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REGULAR SESSION, 1944

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JOURNAL

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REGULAR SESSION, 1944

TUESDAY, FEBRUARY 29, 1944

The House was called to order by The Honorable Harry Lee Waterfield, Speaker.

The House was opened with prayer by the Reverend E. W. Baxter of the Episcopal Church of Frankfort.

The roll was called and the following members answered to their names, viz.:

Chas. W. Anderson	Fred Carpenter	J. R. Dorman
Henry Arrowood	Willis Champion	T. H. Dyer
F. H. Bassett, Jr.	Jno. H. Clarke, Jr.	Bernie S. Edlin
W. G. Biggers	A. Roy Copeland	Harry W. Ennis
Isaac Blevins	Marvin Cornett	Dr. J. C. Gabbard
Douglas T. Bolling	John Henry Cox	Franklin Goins
J. C. Bradley	John P. Craig	J. D. Gross
Jno. W. Burkhart	Fred Creasey	Jas. P. Hallahan
Chas. W. Burnley	Thos. S. Dawson	Claude Hammons
C. D. Call	Adron Doran	Benton Howard

Clyde S. Howard
Jerry F. Howell
J. J. Huff
W. H. Hunt
Lee Johnson
Paul S. Jonas
Wm. E. Justice
H. Clay Kauffman
M. Kavanaugh
G. M. Knuckles
J. T. Linton
Homer E. Losey
A. L. Love
Pearl McKinney
Ed Marcum
C. C. May
Johnston Miller
Harry L. Moore
Herbert V. Moore
L. D. Moore
W. B. Moser
C. Sid Nabb
Coy C. Nevitt
Jno. C. Newcomb
Joe E. Nunn
H. C. Patterson
Chester Peterson
Albert W. Pfeiffer
Sylvester Phillips
James T. Philpott
J. Gip Prather
L. W. Preston
Kleber F. Price
Edw. P. Prichard
James E. Quill
C. R. Reeves
L. Allen Rhoads
Wade H. Riley
H. G. Royalty
Amos Runyon
Carl Scheben
F. W. Schuhmann
Vernon Seaton
Leon J. Shaikun
Jno. W. Simmons
Faust Y. Simpson
George T. Smith
Robt. J. Spaulding
E. A. Spencer
Arthur Stallard
Geo. W. Steinford
Joe Stewart
C. W. Taylor
Egbert V. Taylor
Roy L. Taylor
H. Thieman, Jr.
Otis C. Thomas
E. B. Thompson
John L. Trumbo
S. J. Wagner
Harry F. Walters
R. E. West
Taylor Witt
Speaker Harry Lee Waterfield

Mr. West moved that the reading of the Journal of yesterday's proceedings be dispensed with.

Said motion was agreed to.

At the instance of the Committee on Rules, the following bills were reported, viz.:

H. B. 216. An Act relating to the limitation of action against sheriffs and their sureties.

With Committee amendment.

H. B. 292. An Act amending Sec. 7.020, 7.030 and 7.060 KRS.

With Committee amendment.

H. B. 295. An Act relating to compensation of county jailers.

H. Res. 58. Resolution to pay a claim of $49.00 to Ruth King for services rendered.

H. B. 390. An Act relating to railroad crossing gates.

H. B. 323. An Act relating to collection of tax on dogs.

H. B. 158. An Act relating to inoculation of dogs against rabies.

H. B. 316. An Act relating to service of process on non resident persons, etc.

H. B. 344. An Act relating to compensation of circuit court reporters.

S. B. 56. An Act creating the Division of Rural Highways.

H. B. 257. An Act relating to registration and purgation.

H. B. 376. An Act relating to reporting conveyances of real property, etc.

H. B. 386. An Act relating to prohibitions, restrictions and regulation of alcoholic beverages.

H. B. 392. An Act to provide a stenographer for the Commonwealth's Attorney in counties containing cities of second class.

H. B. 377. An Act relating to parole.

H. B. 116. An Act relating to state parks.

S. B. 39. An Act relating to Active Militia.

H. B. 195. An Act relating to offenses against morality.

With a Committee amendment thereto by way of Substitute therefor.

H. B. 389. An Act to perfect the Kentucky Revised Statutes.

S. B. 42. An Act to make uniform the law of transfer of shares of stock.

With the expression of opinion that said bills and resolution ought to pass.

Said bills and resolution were each and severally read at length the first time and ordered to be placed on the Calendar.

At the instance of the Committee on Rules, the House took up for consideration from the Calendar bills and a resolution of the following titles, viz.:

H. B. 385. An Act relating to intra-state toll bridges.

H. Res. 51. Resolution providing for parking space on Capitol grounds.

H. B. 380. An Act for the protection of persons under eighteen years of age—selling newspapers, etc.

H. B. 362. An Act relating to public health with particular relation to pharmacists, pharmacies and drugs.

H. Res. 37. Resolution for the benefit of employees of the Senate and House of Representatives.

H. B. 381. An Act to amend Subsec. 3 of Sec. 341.380 KRS relating to Unemployment Compensation.

H. B. 346. An Act relating to elections.

H. B. 282. An Act relating to annual statements of local fiscal officers, etc.

H. B. 363. An Act relating to fireworks.

H. B. 330. An Act relating to record books required by circuit and county clerks.

Ordered that said bills and resolution be read the second time.

The Constitutional provision as to the second reading of said bills and resolution at length having been dispensed with, said bills and resolution were read the second time by their titles only.

Ordered that said bills and resolution be placed in the Orders of the Day.

Mr. Quill of the Committee on Rules to which the same had been recommitted, reported a bill entitled:

H. B. 78. An Act granting and confirming in the Court of Appeals and other courts power to regulate pleading, practice and procedure in the courts.

With a title amendment thereto.

(For bill see House Journal of yesterday)

Said title amendment is as follows, viz.:

Amend the title to H. B. 78 by striking out the entire title and inserting in lieu thereof the following: "An Act relating to rules regulating pleading, practice and procedure in courts."

Said amendment was agreed to.

Resolved that the title thereof be as amended.

Mr. Quill moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Linton of the Committee heretofore appointed by the Speaker to investigate any irregularities of the meeting of the Committee on Revenue and Taxation of which Mr. Quill was Chairman, in reporting H. B. 157, offered the following report, viz.:

We the Committee appointed by the Speaker of the House of Representatives, of the Commonwealth of Kentucky, to investigate the charges made on the floor of the House against James E. Quill by the gentleman from Knox County, do hereby make the following report:

We found after careful examination of the Committee Meeting Record Book this item, to-wit: "February 18—Revenue and Taxation—11 A. M. (Wednesday), Third Floor Library."

This was written in its entirety in the same handwriting. There appeared to be an erasure covering only the figure eleven, but every word in said sentence was clearly the original writing. The abbreviation A. M. immediately following the figure eleven was clearly the original handwriting.

The said Quill being duly sworn stated that he wrote the entire notice in his own handwriting, and that he first wrote

the time 10 A. M., and a few minutes later changed it to 11 A. M., to avoid conflict in the meeting of another committee. He further stated that the record now is in the exact condition that it was when he made the change.

Now therefore, the said Committee finds that the said James E. Quill was not guilty of the charge made, and that we request that the report be adopted and spread upon the Journal of the House, and that he be exonerated of any wrongful act or deed in connection with the alleged alteration of said record.

J. T. Linton, Chairman
J. D. Gross
H. G. Royalty
E. B. Thompson

Thereupon said report was approved by the House.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

H. B. 305. An Act relating to alcoholic beverages.

With a Committee amendment thereto by way of Substitute therefor.

Said bill is as follows, viz.:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Subsection (9) of section 241.010 of the Kentucky Revised Statutes is repealed.

§ 2. Subsection (10) of section 241.010 of the Kentucky Revised Statutes is amended to read as follows:

(10) "Commissioner" means the Commissioner of Alcoholic Beverage Control.

§ 3. Subsection (13) of section 241.010 of the Kentucky Revised Statutes is amended to read as follows:

(13) "Department" means the Department of Alcoholic Beverage Control.

§ 4. A new section of the statutes is created to be numbered KRS 241.015 and to read as follows:

There is created a Department of Alcoholic Beverage Control, which shall constitute a statutory administrative department of the state government within the meaning of Chapter 12 of the Kentucky Revised Statutes. The department shall consist of the Commissioner of Alcoholic Beverage Control and the Alcoholic Beverage Control Board. The commissioner shall head the department, shall be its executive officer, and shall have charge of the administration of the department and perform all functions of the department not specifically assigned to the board. The Governor shall appoint as commissioner a person with administrative experience in the field of alcoholic beverage control. The commissioner shall be appointed for a term of four years and shall receive a salary of five thousand dollars per annum.

§ 5. Section 241.020 of the Kentucky Revised Statutes is amended to read as follows:

(1) The department shall administer statutes relating to, and regulate traffic in, alcoholic beverages, except that the collection of license fees and taxes shall be administered by the Department of Revenue.

(2) A Distilled Spirits Unit, under the supervision of the board, shall administer the laws in relation to traffic in distilled spirits and wine.

(3) A Malt Beverage Unit, under the supervision of the board, shall administer the laws in relation to traffic in malt beverages.

§ 6. Section 241.030 of the Kentucky Revised Statutes is amended to read as follows:

The Alcoholic Beverage Control Board shall consist of the Commissioner of Alcoholic Beverage Control and two persons appointed by the Governor, who shall be persons with administrative experience in the field of alcoholic beverage control and who shall serve for terms of four years each. One of such persons shall serve as Administrator of the Distilled Spirits Unit, and the other shall serve as Administrator of the Malt Beverage Unit, as indicated by the Governor in making the appointments. The commissioner shall be chairman of the board. The two administrators shall each receive a salary of four thousand dollars per annum.

§ 7. Sections 241.050 and 241.070 of the Kentucky Revised Statutes are repealed.

§ 8. Subsection (1) of section 241.080 of the Kentucky Revised Statutes is repealed.

§ 9. Section 241.100 of the Kentucky Revised Statutes is amended to read as follows:

(1) No member of the board or employe of the department shall have any interest in any premises or business where alcoholic beverages are manufactured, stored or sold. Nor shall he receive any commission or profit from any person applying for or receiving any license or permit.

(2) No person shall be disqualified under this section solely by reason of his membership in a club.

(3) If a member of the board is disqualified or fails to give bond and take the oath of office, the Governor shall fill the vacancy by appointment for the period during which that member of the board remains disqualified or fails to qualify.

§ 10. Subsection (1) of section 241.120 of the Kentucky Revised Statutes is amended to read as follows:

(1) The county judge shall be disqualified to act as county administrator by any fact that would disqualify a person under KRS 241.100 from acting as a member of the board.

§ 11. Subsection (1) of section 243.010 of the Kentucky Revised Statutes is amended to read as follows:

(1) As used in KRS 243.020 to 243.710, unless the context requires otherwise, the words and terms defined in KRS 241.010 have the meaning given to them in KRS 241.010, except that in KRS 243.680 to 243.870 the word "department" means the Department of Revenue, and the word "commissioner" means the Commissioner of Revenue.

§ 12. The introductory sentence and paragraph (a) of subsection (2) of section 243.010 of the Kentucky Revised Statutes are amended to read as follows:

(2) As used in KRS 242.720 to 243.860, unless the context requires otherwise:

(a) "Alcohol," "alcohol beverage," "bottling," "licensee," "malt beverage" and "manufacturer" have the meaning given to then in KRS 241.010 and "department" means the Department of Revenue.

§ 13. Subsection (3) of section 243.220 of the Kentucky Revised Statutes is amended to read as follows:

(3) (a) Except as provided in paragraphs (b) and (c) of this subsection, no license for the sale of alcoholic beverages at retail shall be issued for any premises that are located on the same street as, and within two hundred feet of, a building used exclusively as a church or for class rooms of a school, if the governing authority of the church or school, within ten days after receiving notice of the application for the license,

files written protest with the state administrator against the issuance of the license. The measurement shall be taken on the street on which the licensed premises are located, in a straight line from the nearest outside wall of the building on the licensed premises to the nearest outside wall of the church or school building. Proof of the giving of notice to the governing authority of the church or school must be furnished to the state administrator before the license is issued.

(b) A hotel, drug store or private club which has been a bona fide in business as a licensee at a particular location for not less than one year preceding the passage of 1938, c. 2, or the establishment of the church or school, may be issued a license by the state administrator, in the exercise of his sound discretion, regardless of protest, even though the premises are within less than two hundred feet of a building occupied exclusively as a church or for class rooms of a school.

(c) In cities of the first, second or third class, the city administrator, with the approval of the State Alcoholic Beverage Control Board, may issue a regulation in such city requiring written permission by the governing authority of the church or school for the licensing of retail premises within two hundred feet of the church or school building, in which case the state administrator may not issue the license without such permission, except under the circumstances set forth in paragraph (b) of this subsection.

§ 14. Section 243.380 of the Kentucky Revised Statutes is amended to read as follows:

(1) Applications for licenses provided for in KRS 243.-030 and 243.050 shall be made to the Administrator of the Distilled Spirits Unit. Applications for licenses provided for in KRS 243.040 shall be made to the Administrator of the Malt Beverage Unit.

(2) All applications shall be on forms furnished by the department. They shall be verified and shall set forth in detail

such information concerning the applicant and the premises for which the license is sought as the board by regulation requires.

§ 15. Section 243.400 of the Kentucky Revised Statutes is amended to read as follows:

(1) Every applicant for a distiller's, rectifier's or vintner's license shall file with his application a bond to the state in the amount of one thousand dollars. The bond shall be on a form approved by the board and shall have corporate surety registered by the Division of Insurance of the Department of Business Regulation. The applicant shall be the principal obligor and the state shall be the obligee. The bond shall be conditioned upon the prompt payment by the obligor to the Department of Revenue of any and all state taxes, with penalties and interest.

(2) Every applicant for a wholesaler's license shall file with his application a bond to the state in the minimum of two thousand dollars or an amount equal to three times the monthly tax liability, whichever is less, and up to a maximum amount of $25,000. It shall be sufficient, in the opinion of the board, which shall consider the financial reputation and rating of the applicant, to insure payment to the state of the amount of any and all taxes and penalties and interest for which the wholesaler may become liable. It shall be on a form to be approved by the board and with surety on the bond approved by the board. The applicant shall be the principal obligor and the state the obligee. The bond shall be conditioned upon the prompt payment by the wholesaler to the Department of Revenue of any and all state taxes, with penalties and interest.

§ 16. Section 243.410 of the Kentucky Revised Statutes is amended to read as follows:

(1) If the surety on bonds required by KRS 243.400 becomes unsatisfactory in the opinion of the board, the board

may require the distiller, rectifier, vintner or wholesaler to file a new bond with satisfactory surety in the same amount. Upon failure to file a new bond with satisfactory surety, the board shall forthwith suspend the license of the distiller, rectifier, vintner or wholesaler.

(2) If upon a hearing, of which the licensee shall be given five days' notice in writing, the board decides that the amount of the existing bond is insufficient, the licensee shall forthwith, upon written demand of the board, file an additional bond in the same amount, manner and form, and with a surety approved by the board. If the licensee fails to comply with the demand of the board, his license shall immediately be revoked by the board.

(3) A surety on any bond required by KRS 243.400 or 243.410 shall be discharged from any and all liability to the state accruing on the bond after the expiration of sixty days from the date upon which he files with the board a written request to be discharged. Such a request shall not operate to discharge the surey from any liability already accrued or that accrues before the expiration of the sixty day period.

§ 17. Section 243.420 of the Kentucky Revised Statutes is amended to read as follows:

A suit to recover on any of the bonds mentioned in KRS 243.400 and 243.410 may be brought in the Franklin circuit court or in the circuit court of the county in which the licensed premises are located, in the name of the state, by the Commissioner of Revenue or on relation of any party aggrieved. If the obligor named in the bond has violated any of the conditions of the bond, recovery of the penal sum of the bond may be had in favor of the state or of the party aggrieved; or judgment for tax, penalties and interest may be rendered in favor of the state.

§ 18. Section 243.430 of the Kentucky Revised Statutes is amended to read as follows:

(1) If the state administrator approves the application, he shall issue to the applicant a certificate to that effect, which shall identify the kind of license. The applicant shall then take the certificate to the Department of Revenue and pay to that department the proper license fee. The Department of Revenue shall issue to him a receipt therefor, and upon filing such receipt with the state administrator the latter shall issue the proper license.

(2) No retail drink, retail package, or special private club license shall be issued in less than ten days or delivered in less than fifteen days from the time the application was received by the state administration; except that a retail package, retail drink, or special private club license shall not be issued to an applicant who has not held a license during the same or preceding license period, or for a premises for which a license has not been issued during the same or preceding license period, in less than twenty days or delivered in less than thirty days from the time the application was received by the state administrator. All remaining licenses provided for in KRS 243.030 shall be issued at any time when, in the sound discretion of the Distilled Spirits Administrator, all of the information necessary has been obtained.

§ 19. Section 243.460 of the Kentucky Revised Statutes is repealed.

§ 20. Section 243.500 of the Kentucky Revised Statutes is amended to read as follows:

Any license issued under KRS 243.020 to 243.670 must be revoked for the following causes:

(1) Conviction of the licensee or his agent or employe for selling any illegal beverages on the premises licensed.

(2) Making any false, material statements in an application for a license.

(3) Violation of the provisions of KRS 243.670.

(4) If, within a period of two consecutive years, there shall have been two or more convictions of any licensee or of any of his clerks, servants, agents or employes for any violations of the terms and provisions of Chapter 241, 243 or 244 or any Act heretofore or hereafter in effect relating to the regulation of the manufacture, sale and transportation of alcoholic beverages or if, within such period, any license or any of his clerks, servants, agents or employes shall have twice been convicted of any felony or of any misdemeanor directly or indirectly attributable to the use of intoxicating liquors, or of one such felony and one such misdemeanor.

(5) Willful and deliberate failure or default of a licensee to pay an excise tax or any part thereof, or any penalties imposed by or under the provisions of any statutes, ordinances or Acts of Congress relative to taxation, or for a violation of any rules or regulations of the Department of Revenue made in pursuance thereof.

(6) Revocation of any license or permit provided in KRS 243.060, 243.070, 243.600 and 243.610, or granted under any Act of Congress relative to the regulation of the manufacture, sale and transportation of alcoholic beverages.

(7) Sale of alcoholic beverages by the licensee at a price in excess of the price set by Federal or state regulations.

§ 21. Section 243.520 of the Kentucky Revised Statutes is amended to read as follows:

A state administrator or a person designated by him may, on his own initiative or on the complaint of any person, institute proceedings to revoke any license under KRS 243.020 to

243.670. Revocation shall be had only upon five days' notice to the licensee, and an opportunity shall be given him to be heard. All such hearings shall be before the board.

§ 22. Section 243.550 of the Kentucky Revised Statutes is amended to read as follows:

Hearings upon appeals from orders of a county administrator or a city administrator, a determination or a state administrator, or upon proceedings for revocation or suspension shall be held by the board. The board shall control the introduction of evidence and shall hear all arguments of the parties or their counsel as it or he deems necessary or appropriate. The procedure on such hearings shall be summary and in accordance with the regulations of the board. A record of the orders appealed from or the charges filed, of the evidence heard and of all steps taken, shall be kept by the board. Decisions shall be made and orders entered only upon the vote of a majority of the board.

§ 23. Section 243.730 of the Kentucky Revised Statutes is repealed.

§ 24. Section 243.870 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any person or persons owning any distilled spirits which were manufactured prior to National Prohibition and upon which all Federal taxes have been paid shall have the right to withdraw same for his own personal use without the payment of the Kentucky Consumer's Tax or any other excise taxes, and the proprietor of any free warehouse or of any distillery shall deliver such distilled spirits to the owner thereof.

(2) Any person so owning such distilled spirits shall before the removal of same from any distillery or free warehouse execute an affidavit and file it with the Department of

Revenue to the effect that such distilled spirits will be used only for personal consumption and are not to be withdrawn for purposes or re-sale and will not be placed in the ordinary channels of trade. Upon the execution and filing of this affidavit the Department of Revenue shall issue a permit for the withdrawal of the distilled spirits and the owner of such distilled spirits shall be entitled to the immediate possession thereof and the proprietor of the bonded warehouse or distillery shall deliver same directly to the owner.

§ 25. Paragraph (b) of subsection (2) of section 243.990 of the Kentucky Revised Statutes is repealed.

§ 26. Subsection (2) of section 244.120 of the Kentucky Revised Statutes is repealed.

§ 27. Section 244.150 of the Kentucky Revised Statutes is amended to read as follows:

(1) Each licensee under KRS 243.020 to 243.670 shall keep and maintain open the licensed premises adequate books and records of all transactions involved in the manufacture or sale of alcoholic beverages, in the manner required by regulations of the board and the Department of Revenue. Such boks and records shall be available at all reasonable times for inspection by the board and by the Department of Revenue.

(2) The commissioner shall require common carriers to provide information in such form as he deems wise respecting all shipments of alcoholic beverages to, from, or between persons in Kentucky.

§ 28. Section 244.290 of the Kentucky Revised Statutes is amended to read as follows:

No premises for which there has been granted a license for the sale of distilled spirits or wine at retail shall be per-

mitted to remain open for any purpose between midnight and 8 a. m., or at any time during the twenty-four hours of a Sunday, or during the hours the polls are open on any regular, primary, school or special election day, provided, that if a licensee provides a separate department within his licensed premises capable of being locked and closed off, within which is kept all stocks of distilled spirits and wine, and all fixtures and apparatus connected with his business as a licensee, and said department is kept locked during the times mentioned above, he shall be deemed to have compiled with this section; except that the city council, board of aldermen, or other municipal legislative body of cities of the first, second or third class in which traffic in distilled spirits and wine is permitted under Chapter 242 shall have the exclusive right and power, by ordinance duly enacted, to establish the hours and times in which distilled spirits and wine may be sold within its jurisdictional boundaries, and except further that the fiscal court of each county in which cities of the first, second or third class are located shall have the exclusive right and power to establish the hours and times in which distilled spirits and wine may be sold over that portion of the county which lies without the corporate limits of such cities, except any portion in which distilled spirits and wine are prohibited from being sold. Provided, however, that no distilled spirits or wine may be sold in any portion of the counties containing cities of the first, second or third class during the twenty-four hours between 6 a. m., Sunday and 6 a. m., Monday, and that no distilled spirits or wine may be sold on any such election day while the polls are still open; and provided, also, that all stocks of distilled spirits and wine must be kept locked during the hours which the licensee is prohibited from selling same.

§ 29. Subsection (1) of section 244.480 of the Kentucky Revised Statutes is amended to read as follows:

(1) Except as provided in subsection (2), no brewer or distributor shall deliver any malt beverages on Sunday or

between the hours of 7 p. m. and 6 a. m. on any week day except Saturday, when the hours of deliveries shall be between 6 a. m. and midnight. No retailer shall sell, give away or deliver any malt beverages between midnight and 6 a. m. or at any time during the twenty-four hours of a Sunday or during the hours the polls are open on an election day.

§ 30. Section 47.030 of the Kentucky Revised Statutes is repealed.

§ 31. There is hereby appropriated to the Department of Alcoholic Beverage Control, for ordinary recurring expenses, for each of the fiscal years 1944-1945 and 1945-1946, the sum of $150,000. The receipts from the tax imposed by KRS 243.710, and three percent of the recipts from the tax imposed by KRS 243.720, during such fiscal years, shall be credited to this appropriation.

Said Substitute is as follows, viz.:

An Act relating to alcoholic beverages.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Subsection (9) of section 241.010 of the Kentucky Revised Statutes is repealed.

§ 2. Subsection (10) of section 241.010 of the Kentucky Revised Statutes is amended to read as follows:

(10) "Commissioner" means the Commissioner of Alcoholic Beverage Control.

§ 3. Subsection (13) of section 241.010 of the Kentucky Revised Statutes is amended to read as follows:

(13) "Department" means the Department of Alcoholic Beverage Control.

§ 4. A new section of the statutes is created to be numbered KRS 241.015 and to read as follows:

There is created a Department of Alcoholic Beverage Control, which shall constitute a statutory administrative department of the state government within the meaning of Chapter 12 of the Kentucky Revised Statutes. The department shall consist of the Commissioner of Alcoholic Beverage Control and the Alcoholic Beverage Control Board. The commissioner shall head the department, shall be its executive officer, and shall have charge of the administration of the department and perform all functions of the department not specifically assigned to the board. The Governor shall appoint as commissioner a person with administrative experience in the field of alcoholic beverage control. The commissioner shall be appointed for a term of four years and shall receive a salary of five thousand dollars per annum.

§ 5. Section 241.020 of the Kentucky Revised Statutes is amended to read as follows:

(1) The department shall administer statutes relating to, and regulate traffic in, alcoholic beverages, except that the collection of license fees and taxes shall be administered by the Department of Revenue.

(2) A Distilled Spirits Unit, under the supervision of the board, shall administer the laws in relation to traffic in distilled spirits and wine.

(3) A Malt Beverage Unit, under the supervision of the board, shall administer the laws in relation to traffic in malt beverages.

§ 6. Section 241.030 of the Kentucky Revised Statutes is amended to read as follows:

The Alcoholic Beverage Control Board shall consist of the Commissioner of Alcoholic Beverage Control and two persons appointed by the Governor, who shall be persons with administrative experience in the field of alcoholic beverage

control and who shall serve for terms of four years each. One of such persons shall serve as Administrator of the Distilled Spirits Unit, and the other shall serve as Administrator of the Malt Beverage Unit, as indicated by the Governor in making the appointments. The commissioner shall be chairman of the board. The two administrators shall each receive a salary of four thousand five hundred dollars per annum.

§ 7. Sections 241.050 and 241.070 of the Kentucky Revised Statutes are repealed.

§ 8. Subsection (1) of section 241.080 of the Kentucky Revised Statutes is repealed.

§ 9. Section 241.100 of the Kentucky Revised Statutes is amended to read as follows:

(1) No member of the board or employe of the department shall have any interest in any premises or business where alcoholic beverages are manufactured, stored or sold. Nor shall he receive any commission or profit from any person applying for or receiving any license or permit.

(2) No person shall be disqualified under this section solely by reason of his membership in a club.

(3) If a member of the board is disqualified or fails to give bond and take the oath of office, the Governor shall fill the vacancy by appointment for the period during which that member of the board remains disqualified or fails to qualify.

§ 10. Subsection (1) of section 241.120 of the Kentucky Revised Statutes is amended to read as follows:

(1) The county judge shall be disqualified to act as county administrator by any fact that would disqualify a

person under KRS 241.100 from acting as a member of the board.

§ 11. Subsection (1) of section 243.010 of the Kentucky Revised Statutes is amended to read as follows:

(1) As used in KRS 243.020 to 243.710, unless the context requires otherwise, the words and terms defined in KRS 241.010 have the meaning given to them in KRS 241.010, except that in KRS 243.680 to 243.870 the word "department" means the Department of Revenue, and the word "commissioner" means the Commissioner of Revenue.

§ 12. The introductory sentence and paragraph (a) of subsection (2) of section 243.010 of the Kentucky Revised Statutes are amended to read as follows:

(2) As used in KRS 243.720 to 243.860, unless the context requires otherwise:

(a) "Alcohol," "alcoholic beverage," "bottling," "licensee," "malt beverage" and "manufacturer" have the meaning given to them in KRS 241.010 and "department" means the Department of Revenue.

§ 13. Subsection (3) of section 243.220 of the Kentucky Revised Statutes is amended to read as follows:

(3) (a) Except as provided in paragraphs (b) and (c) of this subsection, no license for the sale of alcoholic beverages at retail shall be issued for any premises that are located on the same street as, and within two hundred feet of, a building used exclusively as a church or for class rooms of a school, if the governing authority of the church or school, within ten days after receiving notice of the application for the license, files written protest with the state administrator against the issuance of the license. The measurement shall be taken on the street on which the licensed premises are

located, in a straight line from the nearest outside wall of the building on the licensed premises to the nearest outside wall of the church or school building. Proof of the giving of notice to the governing authority of the church or school must be furnished to the state administrator before the license is issued.

(b) A hotel, drug store, private club or other retail licensee which or who has been bona fide in business as a licensee at a particular location for not less than one year preceding the passage of 1938, c. 2, or the establishment of the church or school, may be issued a license by the administrator, in the exercise of his sound discretion, regardless of protest, even though the premises are within less than two hundred feet of a building occupied exclusively as a church or for class rooms of a school.

(c) In cities of the first, second or third class, the city administrator, with the approval of the State Alcoholic Beverage Control Board, may issue a regulation in such city requiring written permission by the governing authority of the church or school for the licensing of retail premises within two hundred feet of the church or school building, in which case the state administrator may not issue the license without such permission, except under the circumstances set forth in paragraph (b) of this subsection.

§ 14. Section 243.380 of the Kentucky Revised Statutes is amended to read as follows:

(1) Applications for licenses provided for in KRS 243.030 and 243.050 shall be made to the Administrator of the Distilled Spirits Unit. Applications for licenses provided for in KRS 243.040 shall be made to the Administrator of the Malt Beverage Unit.

(2) All applications shall be on forms furnished by the department. They shall be verified and shall set forth in

detail such information concerning the applicant and the premises for which the license is sought as the board by regulation requires. Each application shall be accompanied by a certified check, cash or a postal or express money order for the license fee. Promptly upon receipt thereof the board shall pay the same into the State Treasury, giving the Department of Revenue copies of the pay-in vouchers and such other supporting data as the Department of Revenue may require for revenue control purposes.

§ 15. Section 243.400 of the Kentucky Revised Statutes is amended to read as follows:

(1) Every applicant for a distiller's, rectifier's or vintner's license shall file with his application a bond to the state in the amount of one thousand dollars. The bond shall be on a form approved by the board and shall have corporate surety registered by the Division of Insurance of the Department of Business Regulation. The applicant shall be the principal obligor and the state shall be the obligee. The bond shall be conditioned upon the prompt payment by the obligor to the Department of Revenue of any and all state taxes, with penalties and interest.

(2) Every applicant for a wholesaler's license shall file with his application a bond to the state in the minimum amount of two thousand dollars or an amount equal to three times the monthly tax liability, whichever is less, and up to a maximum amount of $25,000. It shall be sufficient, in the opinion of the board, which shall consider the financial reputation and rating of the applicant, to insure payment to the state of the amount of any and all taxes and penalties and interest for which the wholesaler may become liable. It shall be on a form to be approved by the board and with surety on the bond approved by the board. The applicant shall be the principal obligor and the state the obligee. The bond shall be conditioned upon the prompt payment by the

wholesaler to the Department of Revenue of any and all state taxes, with penalties and interest.

§ 16. Section 243.410 of the Kentucky Revised Statutes is amended to read as follows:

(1) If the surety on bonds required by KRS 243.400 becomes unsatisfactory in the opinion of the board, the board may require the distiller, rectifier, vintner or wholesaler to file a new bond with satisfactory surety in the same amount. Upon failure to file a new bond with satisfactory surety, the board shall forthwith suspend the license of the distiller, rectifier, vintner or wholesaler.

(2) If upon a hearing, of which the licensee shall be given five days' notice in writing, the board decides that the amount of the existing bond is insufficient, the licensee shall forthwith, upon written demand of the board, file an additional bond in the same amount, manner and form, and with a surety approved by the board. If the licensee fails to comply with the demand of the board, his license shall immediately be revoked by the board.

(3) A surety on any bond required by KRS 243.400 or 243.410 shall be discharged from any and all liability to the state accruing on the bond after the expiration of sixty days from the date upon which he files with the board a written request to be discharged. Such a request shall not operate to discharge the surety from any liability already accrued or that accrues before the expiration of the sixty day period.

§ 17. Section 243.420 of the Kentucky Revised Statutes is amended to read as follows:

A suit to recover on any of the bonds mentioned in KRS 243.400 and 243.410 may be brought in the Franklin

circuit court or in the circuit court of the county in which the licensed premises are located, in the name of the state, by the Commissioner of Revenue or on relation of any party aggrieved. If the obligor named in the bond has violated any of the conditions of the bond, recovery of the penal sum of the bond may be had in favor of the state or of the party aggrieved; or judgment for tax, penalties and interest may be rendered in favor of the state.

§ 18. Section 243.430 of the Kentucky Revised Statutes is amended to read as follows:

(1) If the state administrator approves the application, he shall issue the proper license.

(2) No retail drink, retail package, or special private club license shall be issued in less than ten days or delivered in less than fifteen days from the time the application and remittances were received by the state administrator; except that a retail package, retail drink, or special private club license shall not be issued to an applicant who has not held a license during the same or preceding license period, or for a premises for which a license has not been issued during the same or preceding license period, in less than twenty days or delivered in less than thirty days from the time the application and remittances were received by the state administrator. All remaining licenses provided for in KRS 243.030 shall be issued at any time when, in the sound discretion of the Distilled Spirits Administrator, all of the information necessary has been obtained.

§ 19. Section 243.500 of the Kentucky Revised Statutes is amended to read as follows:

Any license issued under KRS 243.020 to 243.670 must be revoked or suspended for the following causes:

(1) Conviction of the licensee or his agent or employe for selling any illegal beverages on the premises licensed.

(2) Making any false, material statements in an application for a license.

(3) Violation of the provisions of KRS 243.670.

(4) If, within a period of two consecutive years, there shall have been two or more convictions of any licensee or of any of his clerks, servants, agents or employes for any violations of the terms and provisions of Chapter 241, 243 or 244 or any Act heretofore or hereafter in effect relating to the regulation of the manufacture, sale and transportation of alcoholic beverages or if, within such period, any licensee or any of his clerks, servants, agents or employes shall have twice been convicted of any felony or of any misdemeanor directly or indirectly attributable to the use of intoxicating liquors, or of one such felony and one such misdemeanor.

(5) Willful and deliberate failure or default of a licensee to pay an excise tax or any part thereof, or any penalties imposed by or under the provisions of any statutes ordinances or Acts of Congress relative to taxation, or for a violation of any rules or regulations of the Department of Revenue made in pursuance thereof.

(6) Revocation of any license or permit provided in KRS 243.060, 243.070, 243.600 and 243.610, or granted under any Act of Congress relative to the regulation of the manufacture, sale and transportation of alcoholic beverages. Any license issued under KRS 243.020 to 243.670 must be revoked in the case of sale of alcoholic beverages by the licensee at a price in excess of the price set by Federal or state regulations.

§ 20. Section 243.520 of the Kentucky Revised Statutes is amended to read as follows:

A state administrator or a person designated by him may, on his own initiative or on the complaint of any person, institute proceedings to revoke any license under KRS 243.-020 to 243.670. Revocation shall be had only upon five days' notice to the licensee, and an opportunity shall be given him to be heard. All such hearings shall be before the board.

§ 21. Section 243.550 of the Kentucky Revised Statutes is amended to read as follows:

Hearings upon appeals from orders of a county administrator or a city administrator, a determination of a state administrator, or upon proceedings for revocation or suspension shall be held by the board. If any party to the hearing advises the board that he desires to present five or more witnesses who reside in the county in which the licensed premises are located, the hearing shall be held at the county seat of such county. The board shall control the introduction of evidence and shall hear all arguments of the parties or their counsel as it or he deems necessary or appropriate. The procedure on such hearings shall be summary and in accordance with the regulations of the board. A record of the orders appealed from or the charges filed, of the evidence heard and of all steps taken, shall be kept by the board. Decisions shall be made and orders entered only upon the vote of a majority of the board. Between the time of issuance of a citation to a licensee and the holding of a hearing thereon no member of the board shall discuss the case with any local administrator, field man or other person.

§ 22. Section 243.730 of the Kentucky Revised Statutes is amended to read as follows:

Wholesalers of distilled spirits and wine may deduct from the amount of the tax collected under KRS 243.720 to

243.860 three percent of the amount to cover expenses incident to the reporting and remitting of those taxes.

§ 23. Section 243.870 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any person or persons owning any distilled spirits which were manufactured prior to National Prohibition and upon which all Federal taxes have been paid shall have the right to withdraw same for his own personal use without the payment of the Kentucky Consumer's Tax or any other excise taxes, and the proprietor of any free warehouse or of any distillery shall deliver such distilled spirits to the owner thereof.

(2) Any person so owning such distilled spirits shall before the removal of same from any distillery or free warehouse execute an affidavit and file it with the Department of Revenue to the effect that such distilled spirits will be used only for personal consumption and are not to be withdrawn for purposes of re-sale and will not be placed in the ordinary channels of trade. Upon the execution and filing of this affidavit the Department of Revenue shall issue a permit for the withdrawal of the distilled spirits and the owner of such distilled spirits shall be entitled to the immediate possession thereof and the proprietor of and bonded warehouse or distillery shall deliver same directly to the owner.

§ 24. Paragraph (b) of subsection (2) of section 243.990 of the Kentucky Revised Statutes is repealed.

§25. Subsection (2) of section 244.120 of the Kentucky Revised Statutes is repealed.

§ 26. Section 244.150 of the Kentucky Revised Statutes is amended to read as follows:

(1) Each licensee under KRS 243.020 to 243.670 shall keep and maintain open the licensed premises adequate books and records of all transactions involved in the manufacture or sale of alcoholic beverages, in the manner required by regulations of the board and the Department of Revenue. Such books and records shall be available at all reasonable times for inspection by the board and by the Department of Revenue.

(2) The commissoner shall require common carriers to provide information in such form as he deems wise respecting all shipments of alcoholic beverages to, from, or between persons in Kentucky.

§ 27. Section 244.290 of the Kentucky Revised Statutes is amended to read as follows:

No premises for which there has been granted a license for the sale of distilled spirits or wine at retail shall be permitted to remain open for any purpose between midnight and 8 a. m., or at any time during the twenty-four hours of a Sunday, or during the hours the polls are open on any regular, primary, school or special election day, provided, that if a licensee provides a separate department within his licensed premises capable of being locked and closed off, within which is kept all stocks of distilled spirits and wine, and all fixtures and apparatus connected with his business as a licensee, and said department is kept locked during the times mentioned above, he shall be deemed to have complied with this section; except that the city council, board of aldermen, or other municipal legislative body of cities of the first, second or third class in which traffic in distilled spirits and wine is permitted under Chapter 242 shall have the exclusive right and power, by ordinance duly enacted, to establish the hours and times in which distilled spirits and wine may be sold within its jurisdictional boundaries, and except further that the fiscal court of each county in

which cities of the first, second or third class are located shall have the exclusive right and power to establish the hours and times in which distilled spirits and wine may be sold over that portion of the county which lies without the corporate limits of such cities, except any portion in which distilled spirits and wine are prohibited from being sold. Provided, however, that no distilled spirits or wine may be sold in any portion of the counties containing cities of the first, second or third class during the twenty-four hours between 6 a. m., Sunday and 6 a. m., Monday, and that no distilled spirits or wine may be sold on any such election day while the polls are still open; and provided, also, that all stocks of distilled spirits and wine must be kept locked during the hours which the licensee is prohibited from selling same.

§ 28. Subsection (1) of section 244.480 of the Kentucky Revised Statutes is amended to read as follows:

(1) Except as provided in subsection (2), no brewer or distributor shall deliver any malt beverages on Sunday or between the hours of 7 p. m. and 6 a. m. on any week day except Saturday, when the hours of deliveries shall be between 6 a. m. and midnight. No retailer shall sell, give away or deliver any malt beverages between midnight and 6 a. m. or at any time during the twenty-four hours of a Sunday or during the hours the polls are open on an election day.

§ 29. Section 47.030 of the Kentucky Revised Statutes is repealed.

§ 30. The receipts from the tax imposed by KRS 243.-710, and three percent of the receipts from the tax imposed on the sale of malt beverages, during each of the fiscal years 1944-1945 and 1945-1946, shall be placed to the credit of the Department of Alcoholic Beverage Control for ordinary

recurring expenses of the department, and for the administration and enforcement of the provisions of the laws relating to fair trade in distilled spirits and wine. Such additional sum as is necessary to make the total sum available to such department equal $150,000 for each of such fiscal years is hereby appropriated from the General Fund.

§ 31. A new section of the statutes is created to read as follows:

In addition to the licenses prescribed by KRS 243.030, a bottling house license may be issued by the Administrator of the Distilled Spirits Unit, the fee for which shall be five hundred dollars per annum. The license may be issued only to persons who are authorized under this chapter to store or warehouse distilled spirits or wine. The bottling house license shall authorize the licensee to bottle distilled spirits on the premises designated in the license. The holder of a bottling house license may also hold a special storage or warehouse license.

§ 32. Section 243.597 of the Kentucky Revised Statutes, as created by H. B. 245 of the 1944 General Assembly, is amended to read as follows:

The jurisdiction herein conferred upon the circuit court to hear and determine petitions for the revocation or suspension of licenses shall not be exclusive and any authority conferred on the State Alcoholic Beverage Control Board to revoke or suspend licenses shall remain in full force and effect, and, in addition thereto, the Board shall have the same authority to revoke or suspend licenses for violations of KRS 243.591 that is conferred upon the circuit courts by the provisions of KRS 243.594. Provided, however, that no proceedings for the revocation or suspension of a license for a violation of the provisions of KRS 243.591 shall be filed with the Board when proceedings are pending before

a circuit court against the licensee on the same charges, nor shall any such proceedings be entertained in a circuit court when proceedings are pending before the board against the licensee on the same charges. The revocation or suspension of a licensee's state license by the court or by Board shall automatically revoke or suspend any municipal or county license held by such person. The revocation or suspension of a licensee's license as herein provided shall be in addition to and not in lieu of or limitation of any other penalty imposed by law.

§ 33. Section 243.230 of the Kentucky Revised Statutes is amended to read as follows:

(1) Licenses to sell distilled spirits and wine by the drink for consumption on the premises may be issued only for premises located within cities of the first, second or third class, or elsewhere in counties containing a city of the first, second or third class if those counties maintain an adequate police force under KRS 70.540 to 70.570 or KRS 70.150 to 70.170.

(2) Licenses to sell distilled spirits or wine by the package may be issued only for premises located within incorporated cities, or elsewhere in counties containing a city of the first, second or third class if those counties maintain an adequate police force under KRS 70.540 to 70.570 or KRS 70.150 to 70.170.

(3) Notwithstanding subsection (2), the board may, after a field investigation, issue a license to sell distilled spirits and wine by the package at premises not located within any city if:

(a) Substantial aggregations of population would otherwise not have reasonable access to a licensed vendor.

(b) The premises to be licensed under this subsection shall be used exclusively for the sale of distilled spirits and

wine by the package and will not be used in any manner, in connection with a dance hall, roadhouse, restaurant, store or any other commercial enterprise, except as a drug store in which a registered pharmacist is employed; and

(c) The part of any premises to be licensed under this subsection which is available to the public shall not except in the case of a drug store, exceed one hundred square feet of floor space and shall not contain any chairs, benches, stools or similar furniture or fixtures.

(4) No retail package or drink license for the sale of distilled spirits or wine shall be issued for any premises used as or in connection with the operation of any business in which a substantial part of the commercial transaction consists of selling at retail staple groceries or gasoline and lubricating oil.

§ 34. Section 243.280 of the Kentucky Revised Statutes is amended to read as follows:

(1) A malt beverage Class A retail license shall be issued only for premises used in the operation or conduct of a bona fide grocery store which is located within an incorporated city or elsewhere in counties containing a city of the first, second, or third class if those counties maintain a police force under the provisions of KRS 70.150 to 70.170 or KRS 70.540 to 70.570. The term "grocery store" means and includes any retail establishment commonly known as a grocery store, general store, or a delicatessen where staple groceries are sold for consumption off the premises.

(2) Malt beverages Class B retail licenses shall be issued only for premises located within an incorporated city or elsewhere in counties containing a city of the first, second or third class if those counties maintain a police force under the provisions of KRS 70.150 to 70.170 or KRS 70.540 to 70.570. Provided, however, that no malt beverage Class

B retail license shall be issued for any premises used as or in connection with the operation of a grocery store as herein defined.

(3) Notwithstanding subsections (1) and (2), the board may, after a field investigation, issue licenses for the sale of malt beverages at premises not located within any incorporated city if.

(a) Substantial aggregations of population would otherwise not have reasonable access to a licensed vendor.

(b) The premises to be licensed are not to be used in any degree or manner in connection with a retail package liquor store, dance hall or any place of business commonly known as a roadhouse.

§ 35. The amendments to Sections 243.230 and 243.280 of the Kentucky Revised Statutes made by Sections 33 and 34 of this Act are intended to supersede the amendments to those sections made by Sections 23 and 24 of H. B. 243 of the 1944 General Assembly.

Mr. Prichard offered the following amendment to said Substitute, viz.:

Amend the Substitute for H.B. 305 on page 4 after section 12, after line 8 by adding after line 8 of section 12 on page 4, the following:

Section 12-a. Subsection (5) and (6) of section 243.100 of the Kentucky Revised Statutes are amended to read as follows:

(No person shall become a licensee under KRS 243.020 to 243.670 who:)

(5) Has had any license issued under this statute relating to the regulation of the manufacture, sale and trans-

portation of alcoholic beverages revoked for cause or has been convicted of a violation of any such statute, until the expiration of two years from the date of the revocation of conviction; or

(6) Is a partnership or corporation, if any member of the partnership or any director or principal officer of the corporation has had any license issued under any statute relating to the regulation of the manufacture, sale and transportation of alcoholic beverages, revoked for cause or has been convicted of a violation of any such statute, until the expiration of two years from the date of the revocation or conviction.

Said amendment was agreed to.

Said Substitute was then adopted as amended.

Mr. Prichard moved the Previous Question.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with and the same having been engrossed, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	F. H. Bassett, Jr.	Isaac Blevins
Henry Arrowood	W. G. Biggers	J. C. Bradley

Jno. W. Burkhart	W. H. Hunt	C. R. Reeves
Chas. W. Burnley	Lee Johnson	Wade H. Riley
C. D. Call	Paul S. Jonas	Amos Runyon
Fred Carpenter	Wm. E. Justice	Carl Scheben
Willis Champion	M. Kavanaugh	F. W. Schumann
J. H. Clarke, Jr.	G. M. Knuckles	Vernon Seaton
A. Roy Copeland	J. T. Linton	Leon J. Shaikun
Marvin Cornett	Homer E. Losey	Jno. W. Simmons
John Henry Cox	Pearl McKinney	Faust Y. Simpson
John P. Craig	Ed Marcum	George T. Smith
Fred Creasey	Johnston Miller	R. J. Spaulding
Thos. S. Dawson	Harry L. Moore	Geo. W. Steinford
Adron Doran	Herbert V. Moore	C. W. Taylor
T. H. Dyer	W. B. Moser	Egbert V. Taylor
Bernie S. Edlin	C. Sid Nabb	Roy L. Taylor
Harry W. Ennis	Jno. C. Newcomb	H. Thieman, Jr.
Franklin Goins	H. C. Patterson	Otis C. Thomas
R. M. Hall	Chester Peterson	E. B. Thompson
Jas. P. Hallahan	Albert W. Pfeiffer	S. J. Wagner
Claude Hammons	Sylvester Phillips	Taylor Witt
B. C. Holbrook	J. Gip Prather	Speaker Harry
Benton Howard	Edw. P. Prichard	Lee Waterfield
W. N. Hughes	James E. Quill	—73

Those who voted in the negative were—

J. R. Dorman	L. D. Moore	Arthur Stallard
Dr. J. C. Gabbard	Coy C. Nevitt	Joe Stewart
J. D. Gross	L. W. Preston	John L. Trumbo
H. Clay Kauffman	Kleber F. Price	R. E. West
A. L. Love	H. G. Royalty	—14

Resolved that the title thereof be as amended.

Mr. Prichard moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules,

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 303. An Act relating to reports on state employees and officers for members of the General Assembly.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The Department of Finance shall prepare and mail to the home address of each member of the General Assembly, a quarterly report on all state employes and officers, as of March 31, June 30, September 30, and December 31, of each year, each quarterly report to be mailed not later than the fifteenth of the following month. Each quarterly report shall contain the following information on every state employe or officer receiving money from the State Treasury: (1) Name and address; (2) Title of position; (3) Monthly salary. In addition to the foregoing information, each report shall also show all existing vacancies, and when they occurred, and when any previously existing vacancy has been filled.

§ 2. The administrative head of each state department or agency shall prepare and furnish to the Department of Finance, in sufficient time to reasonably enable said department to prepare and mail the reports, the necessary information to enable the Department of Finance to prepare the quarterly reports required by section one of this Act.

§ 3. Any person violating any provision of this Act shall be fined not less than one hundred nor more than five

hundred dollars, or imprisoned for not less than one nor more than six months, or both.

Mr. Quill moved the Previous Question.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, having been dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Henry Arrowood	Franklin Goins	Chester Peterson
F. H. Bassett, Jr.	R. M. Hall	Albert W. Pfeiffer
Isaac Blevins	Benton Howard	Sylvester Phillips
Douglas T. Bolling	Clyde S. Howard	J. Gip Prather
J. C. Bradley	Paul S. Jonas	L. W. Preston
Jno. W. Burkhart	Wm. E. Justice	Kleber F. Price
Chas. W. Burnley	H. Clay Kauffman	Edw. P. Prichard
C. D. Call	M. Kavanaugh	James E. Quill
Willis Champion	J. T. Linton	C. R. Reeves
J. H. Clarke, Jr.	Homer E. Losey	L. Allen Rhoads
A. Roy Copeland	A. L. Love	Wade H. Riley
Marvin Cornett	C. C. May	H. G. Royalty
John Henry Cox	L. D. Moore	Amos Runyon
Fred Creasey	W. B. Moser	F. W. Schumann
Adron Doran	C. Sid Nabb	Leon J. Shaikun
J. R. Dorman	Joe E. Nunn	Jno. W. Simmons
Harry W. Ennis	H. C. Patterson	Faust Y. Simpson

Geo. W. Steinford	S. J. Wagner	Speaker Harry
Joe Stewart	Harry F. Walters	Lee Waterfield
Roy L. Taylor	Taylor Witt	—58

Those who voted in the negative were—

Chas. W. Anderson	W. H. Hunt	R. J. Spaulding
John P. Craig	Lee Johnson	E. A. Spencer
T. H. Dyer	G. M. Knuckles	Arthur Stallard
Bernie S. Edlin	Pearl McKinney	Egbert V. Taylor
Dr. J. C. Gabbard	Ed Marcum	H. Thieman, Jr.
Claude Hammons	Harry L. Moore	Otis C. Thomas
B. C. Holbrook	Herbert V. Moore	E. B. Thompson
J. J. Huff	Coy C. Nevitt	John L. Trumbo
W. N. Hughes	Carl Scheben	R. E. West

—27

Resolved that the title thereof be as aforesaid.

Mr. Quill moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules,

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 259. An Act relating to narcotic drugs.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (14) of section 218.010 of the Kentucky Revised Statutes is amended to read as follows:

(14) "Narcotic drugs" means coca leaves, opium, isonipecaine (the substance identified chemically as 1-methyl-4-

phenylpiperidine-4-carbonylic acid ethyl ester, or any salt thereof by whatever trade name identified), cannabis, and every other substance neither chemically nor physically distinguishable from them.

Mr. Shaikun moved the Previous Question.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, having been dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	Dr. J. C. Gabbard	G. M. Knuckles
Henry Arrowood	Franklin Goins	J. T. Linton
Isaac Blevins	J. D. Gross	Homer E. Losey
Douglas T. Bolling	Claude Hammons	A. L. Love
Jno. W. Burkhart	B. C. Holbrook	Pearl McKinney
Chas. W. Burnley	Benton Howard	Johnston Miller
C. D. Call	Clyde S. Howard	Harry L. Moore
J. H. Clarke, Jr.	J. J. Huff	Herbert V. Moore
Marvin Cornett	W. N. Hughes	L. D. Moore
John Henry Cox	W. H. Hunt	W. B. Moser
John P. Craig	Lee Johnson	C. Sid Nabb
Adron Doran	Paul S. Jonas	Coy C. Nevitt
T. H. Dyer	Wm. E. Justice	Joe E. Nunn
Bernie S. Edlin	H. Clay Kauffman	H. C. Patterson
Harry W. Ennis	M. Kavanaugh	Chester Peterson

Albert W. Pfeiffer	F. W. Schumann	H. Thieman, Jr.
Sylvester Phillips	Leon J. Shaikun	Otis C. Thomas
J. Gip Prather	Jno. W. Simmons	E. B. Thompson
Kleber F. Price	R. J. Spaulding	John L. Trumbo
Edw. P. Prichard	E. A. Spencer	S. J. Wagner
James E. Quill	Geo. W. Steinford	Harry F. Walters
C. R. Reeves	Joe Stewart	R. E. West
L. Allen Rhoads	C. W. Taylor	Taylor Witt
Amos Runyon	Egbert V. Taylor	
Carl Scheben	Roy L. Taylor	—74

Resolved that the title thereof be as aforesaid.

Mr. Shaikun moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules,

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 267. An Act providing for issuance of summons and warrants or arrest in police courts of cities of second class, etc.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That Sub-section 2 of Section 26.330 of the Kentucky Revised Statutes, as officially adopted in 1942 be amended, so that said section as amended shall read as follows:

Sub-section 2: In cities of the second class, the Police Judge may issue all summons and warrants of arrest and the Clerk of the Police Court may issue same upon affidavit

made before the City Prosecutor and they may also issue any mesne or final process.

Section 2. All Acts or parts of acts and in particular Sections 310 and 312 of Carroll's Kentucky Criminal Code of Practice, in conflict herewith, are hereby repealed to the extent of such conflict.

Mr. Quill moved the Previous Question.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, having been dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	John P. Craig	Benton Howard
Henry Arrowood	Fred Creasey	Clyde S. Howard
Isaac Blevins	Adron Doran	W. N. Hughes
Douglas T. Bolling	J. R. Dorman	W. H. Hunt
J. C. Bradley	T. H. Dyer	Lee Johnson
Jno. W. Burkhart	Bernie S. Edlin	Paul S. Jonas
Chas. W. Burnley	Harry W. Ennis	Wm. E. Justice
C. D. Call	Dr. J. C. Gabbard	H. Clay Kauffman
J. H. Clarke, Jr.	Franklin Goins	M. Kavanaugh
A. Roy Copeland	J. D. Gross	G. M. Knuckles
Marvin Cornett	Claude Hammons	J. T. Linton
John Henry Cox	B. C. Holbrook	Homer E. Losey

A. L. Love	J. Gip Prather	E. A. Spencer
Pearl McKinney	L. W. Preston	Arthur Stallard
C. C. May	Kleber F. Price	Geo. W. Steinford
Johnston Miller	Edw. P. Prichard	Joe Stewart
Harry L. Moore	James E. Quill	C. W. Taylor
Herbert V. Moore	C. R. Reeves	Egbert V. Taylor
L. D. Moore	L. Allen Rhoads	Roy L. Taylor
W. B. Moser	Wade H. Riley	H. Thieman, Jr.
C. Sid Nabb	Amos Runyon	Otis C. Thomas
Joe E. Nunn	Carl Scheben	E. B. Thompson
H. C. Patterson	F. W. Schumann	S. J. Wagner
Chester Peterson	Leon J. Shaikun	Harry F. Walters
Albert W. Pfeiffer	Jno. W. Simmons	R. E. West
Sylvester Phillips	R. J. Spaulding	Taylor Witt

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Resolved that the title thereof be as aforesaid.

Mr. Quill moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 178. An Act to create the office of assistant Commonwealth's Attorney in Judicial Districts having a population of less than 200,000.

Said bill is as follows, viz.:

WHEREAS, duly elected and qualified Commonwealth's Attorneys of several Judicial Districts in Kentucky are now absent in the military service of the United States of America, and others may be inducted into said service at any time, and suitable and proper legislation providing for the exer-

cise of their powers and discharge of their duties should be enacted.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. The office of assistant Commonwealth's Attorney in Judicial Districts having a population of less than Two Hundred Thousand is hereby created.

2. The assistant Commonwealth's Attorney shall be appointed by the Commonwealth's Attorney for the duration or unexpired part of his term, but shall be subject to removal at any time by the Commonwealth's Attorney. A certificate signed by the Commonwealth's Attorney and filed in the office of the Circuit Clerk in each court of the district shall be sufficient notice of such appointment and authority thereunder.

3. The assistant Commonwealth's Attorney shall possess the qualifications of a Commonwealth's Attorney, and during the absence from the Judicial District of the Commonwealth's Attorney or his inability to attend shall act as Commonwealth's Attorney and have the same powers and perform all the duties now or hereafter imposed on Commonwealth's Attorneys by law, and while so acting shall be paid and receive the fees and commissions that the Commonwealth's Attorney would have received if present and acting, the Commonwealth's Attorney to continue to receive the salary fixed by law. But in no event shall the total amount of salaries, fees and commissions paid the Commonwealth's Attorney and his assistant Commonwealth's Attorney acting under the provisions hereof exceed the sum of Five Thousand ($5000.00) Dollars in any one year.

4. Section 69.060, Kentucky Revised Statutes, is hereby repealed.

5. Inasmuch as several Commonwealth's Attorneys are now absent in the military service of the United States of America and others are about to leave to enter, and there is now no suitable or proper provision for the discharge of the duties of said absentees during their absence, an emergency is declared to exist, and this Act shall take effect and to be in force from and after its passage and approval by the Governor.

Mr. Quill offered the following amendments to said bill, viz.:

1. Amend H. B. 178 on page 2, section 2, line 7 by adding, after "under" in line 7, the following:

"If the Commonwealth's attorney remains or has remained absent from his judicial district for more than ten days without having previously appointed an assistant, the circuit judge of the district may appoint the assistant."

2. Amend H. B. 178 on page 2, section 3, line 9 by substituting a comma in place of the period following the word "law" and adding thereafter, the following:

"except that where the absence of the Commonwealth's attorney is such as to constitute a suspension of his occupancy of the office the assistant shall receive the salary allowed by law to the Commonwealth's attorney in addition to the fees and commissions."

Said amendments were each agreed to.

Mr. Quill moved the Previous Question.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be engrossed, and read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with and the same having been engrossed, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Henry Arrowood	Wm. E. Justice	L. Allen Rhoads
Isaac Blevins	M. Kavanaugh	H. G. Royalty
J. C. Bradley	G. M. Knuckles	Amos Runyon
Chas. W. Burnley	J. T. Linton	Carl Scheben
C. D. Call	A. L. Love	F. W. Schuhmann
Marvin Cornett	Pearl McKinney	Leon J. Shaikun
John P. Craig	Johnston Miller	Jno. W. Simmons
J. R. Dorman	Harry L. Moore	Faust Y. Simpson
T. H. Dyer	Herbert V. Moore	George T. Smith
Bernie S. Edlin	L. D. Moore	R. J. Spaulding
Harry W. Ennis	W. B. Moser	Geo. W. Steinford
Dr. J. C. Gabbard	C. Sid Nabb	Joe Stewart
Franklin Goins	Joe E. Nunn	Thos. M. Swope
J. D. Gross	H. C. Patterson	Roy L. Taylor
Benton Howard	Chester Peterson	H. Thieman, Jr.
Clyde S. Howard	Albert W. Pfeiffer	Otis C. Thomas
Jerry F. Howell	Sylvester Phillips	E. B. Thompson
J. J. Huff	J. Gip Prather	John L. Trumbo
W. N. Hughes	Kleber F. Price	R. E. West
W. H. Hunt	Edw. P. Prichard	Taylor Witt
Lee Johnson	James E. Quill	
Paul S. Jonas	C. R. Reeves	—64

Resolved that the title thereof be as aforesaid.

Mr. Quill moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules,

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 277. An Act relating to crime and punishment.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 435.090 of the Kentucky Revised Statutes is amended to read as follows:

Any person who unlawfully carnally knows a female of and above twelve years of age against her will or consent, or by force or while she is insensible, shall be punished by death, or by confinement in the penitentiary for life without privilege of parole, or by confinement in the penitentiary for life, or by confinement in the penitentiary for not less than ten years nor more than twenty years.

Mr. Scheben moved the Previous Question.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, having been dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Henry Arrowood	Lee Johnson	James E. Quill
Isaac Blevins	Paul S. Jonas	C. R. Reeves
Douglas T. Bolling	Wm. E. Justice	L. Allen Rhoads
J. C. Bradley	H. Clay Kauffman	H. G. Royalty
Chas. W. Burnley	M. Kavanaugh	Amos Runyon
C. D. Call	G. M. Knuckles	Carl Scheben
Marvin Cornett	J. T. Linton	F. W. Schuhmann
John P. Craig	Pearl McKinney	Leon J. Shaikun
J. R. Dorman	C. C. May	Faust Y. Simpson
T. H. Dyer	Johnston Miller	George T. Smith
Bernie S. Edlin	Harry L. Moore	R. J. Spaulding
Harry W. Ennis	Herbert V. Moore	Thos. M. Swope
Dr. J. C. Gabbard	L. D. Moore	C. W. Taylor
Franklin Goins	W. B. Moser	Egbert V. Taylor
J. D. Gross	C. Sid Nabb	Roy L. Taylor
B. C. Holbrook	Coy C. Nevitt	Otis C. Thomas
Benton Howard	H. C. Patterson	John L. Trumbo
J. J. Huff	Chester Peterson	R. E. West
W. N. Hughes	Albert W. Pfeiffer	
W. H. Hunt	Kleber F. Price	—58

Those who voted in the negative were—

Arthur Stallard	E. B. Thompson	—2

Resolved that the title thereof be as aforesaid.

Mr. Scheben moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules,

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 235. An Act pertaining to redevelopment corporations in cities of the first class.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 99.210 Kentucky Revised Statutes, 1942, is hereby amended and as amended reads:

(1) A redevelopment corporation may, whether before or after the certificates of approval of its development plan required by KRS 99.040 to 99.060 have been issued, acquire real property or secure options in its own name or in the name of nominees to acquire real property, by gift, grant, lease, purchase or otherwise.

(2) Such city may, upon request by a redevelopment corporation, and after a certificate of approval of condemnation with respect to the real property in question has been issued pursuant to KRS 99.220, acquire, or obligate itself to acquire, for such redevelopment corporation, any real property included in such certificate of approval of condemnation, by condemnation. Real property acquired by such city for a redevelopment corporation shall be conveyed by such city to the redevelopment corporation upon payment to the city of all sums expended or required to be expended by the city in the acquisition of such real property.

(3) In connection with the activities and projects of redevelopment corporation, the city may apply for, receive, and accept grants in aid, gifts, credits, and all other aid and in all forms, whether similar to or dissimilar from those particularly enumerated, from the Federal government, which embraces the United States of America, its agencies and instrumentalities or from the Commonwealth of Kentucky,

its agencies and instrumentalities or from both, under such lawful contracts, terms, and conditions, as may be agreed upon.

(4) In order to further the accomplishment of the purposes of this act, and in addition to the powers heretofore or which may hereafter be granted to it, the city may, as an alternate method of acquiring by gift, purchase, or condemnation, and selling and transferring real property to a redevelopment corporation, by ordinance or ordinances, proceed as follows:

(a) From time to time designate an area within such city as under consideration for development under the provisions of this act and provide for consultation with and aid from any and all city departments, commissions, officers, employees, agencies, and instrumentalities, relating to the initiation of the project.

(b) Apply for and receive gifts, grants, credits, and obtain loans for the accomplishment of each development or developments generally, and obligate such city to supervise the application of such funds for such purpose or purposes, and also accept gifts, grants, conveyances and leaseholds within such area or areas, and to provide funds, where necessary, to obtain gifts, grants, credits or loans from the Federal government, its agencies and instrumentalities, or from the Commonwealth of Kentucky, its agencies and instrumentalities, or from both or any other agency under such lawful contracts, terms and conditions as may be agreed upon.

(c) Appropriate funds acquired under paragraph (b) or by taxation for the acquisition of all or any part or parts of the property in each area for development under this act by purchase and by condemnation, and for the clearance of all or any part or parts of the property owned by or thus acquired by such city. Such condemnation shall be under

the provisions of this act, but the city may waive request for condemnation or deposit or obligation to furnish the funds, as set out in KRS 99.230.

(d) Advertise for the submission of development plans for such designated area by a redevelopment corporation under the provisions of this act, application therefor to be accompanied by a bid for such lands and estates therein as the city owns or may obligate itself to purchase, or otherwise acquire and lease, sublease, sell, or convey to the redevelopment corporation, provided a plan is submitted and is finally accepted and approved under the provisions of this act. If more than one plan and bid is submitted for any one project thus advertised, then the plan and bid that together would prove most beneficial to the city in accomplishing the purposes of this act shall be submitted for approval under the terms of this act, but the city may reject any and all applications, bids and plans. Said city shall be the sole judge as to which plan is the most beneficial. Such advertisement shall clearly describe the area under consideration for development, the part or parts thereof owned by the city or which it will acquire, and the estates in each parcel that is being offered for sale, the terms and conditions, and shall be published in a newspaper of general circulation in conformity with the advertising of judicial sale of lands.

(e) The terms of the bid for such land or lands or leaseholds may be for all cash, or part cash and part on time, or all on time, with or without interest, and with or without lien retained. Any term of payment shall not be for a period exceeding five years from date of completion of the project.

(f) As a further inducement, the terms of the bid may provide for a discount not exceeding 10% a year on such bid for each year, not exceeding five, in event the development during each such year is in accordance with the development plan.

Section 2. Section 99.080 Kentucky Revised Statutes, 1942, is hereby amended and as amended reads:

The planning commission and the supervising agency may each adopt a schedule of fees to be paid said commission or said agency, as the case may be, upon the filing of the development plan, amendments thereto and other instruments in connection therewith. The amount of these fees shall not exceed the reasonable cost of the examining, inspectional and supervisory services required under KRS 99.010 to 99.310.

An area may be developed by one redevelopment corporation, or an area may be divided into two or more development areas, each to be developed by a different redevelopment corporation, as the planning commission and supervising agency may direct, having due regard to all factors, including but not limited to planning and zoning laws rules and regulations, the environment of the area and redevelopment area, the public safety, health, morals, and general welfare, and the interests of the development corporations,—to the end that the purposes of the act may be best accomplished; but if the planning commission and the supervising agency are unable to agree thereupon, the local legislative body shall by resolution determine the matter.

Section 3. Should any section, sub-section, paragraph, sentence, clause, or phrase, of this act be declared unconstitutional or invalid, for any reason, the remainder of this act shall not be affected thereby.

Mr. Peterson moved the Previous Question.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, having been dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Henry Arrowood	Paul S. Jonas	C. R. Reeves
Isaac Blevins	G. M. Knuckles	Amos Runyon
Douglas T. Bolling	J. T. Linton	Carl Scheben
J. C. Bradley	A. L. Love	F. W. Schuhmann
Chas. W. Burnley	Pearl McKinney	Leon J. Shaikun
J. H. Clarke, Jr.	C. C. May	George T. Smith
A. Roy Copeland	Harry L. Moore	R. J. Spaulding
Marvin Cornett	Herbert V. Moore	E. A. Spencer
John P. Craig	L. D. Moore	Joe Stewart
T. H. Dyer	W. B. Moser	Thos. M. Swope
Bernie S. Edlin	C. Sid Nabb	C. W. Taylor
Dr. J. C. Gabbard	Chester Peterson	Egbert V. Taylor
J. D. Gross	Albert W. Pfeiffer	Roy L. Taylor
B. C. Holbrook	Sylvester Phillips	Otis C. Thomas
Benton Howard	J. Gip Prather	E. B. Thompson
J. J. Huff	L. W. Preston	John L. Trumbo
W. N. Hughes	Kleber F. Price	Harry F. Walters
W. H. Hunt	Edw. F. Prichard	R. E. West
Lee Johnson	James E. Quill	—56

There voted in the negative—

Coy C. Nevitt —1

Resolved that the title thereof be as aforesaid.

Mr. Peterson moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules,

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 236. An Act regulating the parking of vehicles in streets, etc.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 93.352 of Kentucky Revised Statutes 1942 is hereby amended and as amended reads:

Any city of the first class shall have and may exercise all powers necessary or convenient to carry out the purpose of this act, which is hereby declared to be the acquisition, creation, and operation in any manner hereinafter provided, under public regulation, or public off-street parking facilities in any such city as a necessary incident to insuring in the public interest the free circulation of traffic in, through and from such city. Such powers shall include, but shall not be limited to the powers enumerated in the following paragraphs (a) to (k) inclusive:

(a) The power to purchase in the manner prescribed in Kentucky Revised Statutes 83.300, and acquire by gift, bequest, devise, or grant, real property, or any interest therein, in any area of any such city in which the Director of Works in such city, subject to the approval of the legislative body of such city, shall have made a determination that public parking facilities are therein required, and to hold, use, and dispose of same in the manner prescribed by law.

(b) The power to condemn, in the manner prescribed in Kentucky Revised Statutes 93.100, real property, or any in-

terest therein in any area of any such city in which the Director of Works in such city, subject to the approval of the legislative body of such city, shall have made a determination that public parking facilities are therein required, and hold, use, or dispose of same in the manner provided by law.

(c) The power to clear and improve, in the manner provided by law, any property acquired under this act, and to construct or cause to be constructed thereon such structures and equipment suitable for parking facilities, as the Director of Works, subject to the approval of the legislative body of such city, shall have determined to be necessary.

(d) The power to maintain and operate for parking by the public, of vehicles, any property, or interest in property, constructed or acquired under this act.

(e) The power to contract with any corporation, firm, individual, or association, private or public, subject to the provisions of this act, for the operation as a public parking facility of any property, or interest in property, constructed or acquired under this act, for such period as the Director of Works, subject to the approval of the legislative body of such city, shall determine.

(f) The power to lease to any corporation, firm, individual or association, private or public, subject to the provision of this act, for the operation thereof as a public parking facility, any property, or interest in property, constructed or acquired under this act, for such period as the Director of Works, subject to the approval of the legislative body of such city shall determine.

(g) The power to sell, exchange, transfer, or assign, any property, real or personal, or any interest therein, constructed or acquired under this act, whether or not improved, and which the Director of Works, subject to the approval of the legislative body of such city, shall have determined to be

no longer necessary or required for the proper achievement of the purposes of this act; provided however, the City may through the Director of Works subject to the approval of the legislative body of the city, lease such property or any part thereof for use for commercial purposes that may be in aid of the operation of Off-Street parking facilities under this act.

(h) The power to lease for commercial purposes any part of said property which the City, through the Director of Works, with the approval of the legislative body of the City, shall have determined to be no longer required, or not at that time required, for the proper achievement of the purposes of this Act.

(i) The power to establish and revise from time to time, schedules of rates to be charged for the use of such public parking facilities operated under this act, and to establish, extend, revise, and rescind regulations in regard to the use, operation, and occupancy of any property or interest therein, constructed or acquired under this act, to the end that the maintenance, operation, use, and charge for the use of all such property shall be subject to public regulation. The Director of Works, subject to the provisions of this act and subject to the approval of the legislative body of such city, shall establish, extend, revise, and receive, such schedules and regulations.

(j) The power to engage in or contract for the construction, reconstruction, alteration, repair, and maintenance, of any public parking facilities operated or to be operated under this act, as the Director of Works, subject to the approval of the city legislative body of such city, shall determine.

(k) The power to adopt suitable ordinances (i) defining particular areas within the City to be served by and for which off-street parking facilities shall be established under the provisions of this act, (ii) regulating or prohibiting the park-

ing of motor vehicles upon the streets of any such city within any such area, and (iii) providing that the provisions of any such ordinance shall be for the benefit of the holders of revenue bonds issued under the authority of this act and shall be irrepealable so long as any of such bonds shall remain outstanding.

Section 2. Section 93.353 of the Kentucky Revised Statutes 1942 is hereby amended and as amended reads:

The rates or fees to be charged for the use of such public parking facilities shall be fixed at the lowest possible rates consistent with achieving the purpose of this act, which will (together with any additional income) defray the cost of maintaining, operating and administering, said parking facilities and of meeting the charges for principal and interest on any indebtedness incurred under this act, including reserves for such purposes and a margin of safety.

Section 3. Section 93.354 of the Kentucky Revised Statutes 1942 is hereby amended and as amended reads:

Any city of the first class is hereby authorized to provide funds for carrying out the purposes of this act, by the issuance and sale of revenue bonds as hereinafter set forth. Such bonds shall not constitute an indebtedness of such city, but shall be secured only by the revenues derived from and in connection with the property or properties constructed or acquired under the authority of this act, and such bonds and the interest thereon shall be payable only out of such revenues. Such bonds shall be designated on their face, "Public Off-Street Parking Facilities Revenue Bonds." It shall be plainly stated on the face of each bond that it has been issued under the provisions of this act and that it does not constitute an indebtedness of such city within the meaning of any constitutional provisions or limitations, or at all. Such bonds shall be authorized by ordinance of the legislative body of such city.

The bonds shall be dated, shall bear interest at such rate or rates not exceeding five per centum per annum, shall be in such denomination or denominations, shall be payable at such place or places, which may be at any bank or trust company within or without the Commonwealth, shall mature at such time or times not exceeding forty years from their date or dates, and may be made redeemable before maturity, at the option of the city, at such price or prices and under such terms and conditions, and shall be executed in such form and manner, all as may be fixed by the legislative body of such city prior to the issuance of the bonds. The said legislative body shall determine the form of the bonds, including any interest coupons to be attached thereto, and the manner of execution of the bonds. In case any officer whose signature shall appear on any bonds or coupons shall cease to be such officer before the delivery of such bonds, such signature shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery. The bonds may be issued in coupon or in registered form, or both, as the said legislative body may determine, and provision may be made for the registration of any coupon bond as to principal alone and also as to both principal and interest and for the reconversion of any bond registered as to both principal and interest into coupon bonds. Such bonds shall be exempt from taxation by the Commonwealth of Kentucky and by the municipalities and political subdivisions thereof. Such bonds may be issued without a vote of voters and without any other proceedings or happenings, or any other conditions, or things than those proceedings, conditions, and things which are specified and required by this act. The said legislative body may authorize the sale of such bonds in such manner and for such price as it may determine to be for the best interests of the city, but no such sale shall be made at a price so low as to require the payment of interest on the money received therefor at more than five per centum per annum, computed with relation to the absolute maturity of the bonds in accordance with standard tables

of bond values. If the proceeds of such bonds by error of calculation or otherwise, shall be less than the cost of the facilities for which the bonds shall be authorized, additional bonds may in like manner be issued to provide the amount of such deficit, and unless otherwise provided in the ordinance authorizing the issuance of the bonds, shall be deemed to be of the same issue and shall be entitled to payment from the same fund without preference or priority of the bonds first issued. If the proceeds of the bonds shall exceed the cost of such facilities, the surplus shall be paid into the fund for the payment of prinicpal and interest of such bonds. Bonds issued pursuant to this act shall have and are hereby declared to have in the hands of a bona fide holder, all of the qualities of negotiable instruments under the law of merchant, or the negotiable instrument act of the Commonwealth of Kentucky.

Section 4. Section 93.355 of the Kentucky Revised Statutes 1942 is hereby amended and as amended reads:

The said legislative body shall fix and revise from time to time fees, rates, rentals and charges for the use of the facilities constructed or acquired under the authority of this act, and such fees, rates, rentals and charges shall be so fixed and adjusted as to provide (together with any additional income) funds sufficient (a) to pay the cost of maintaining, repairing and operating the facilities, (b) to pay the interest on and the principal of the revenue bonds issued hereunder for the construction or acquisition of such facilities, (c) to create necessary reserves for the foregoing purposes, and (d) to create a reserve for depreciation. The excess, if any, of revenues received during any annual period shall be applied to the prepayment of the bonds issued pursuant to the provisions of this act. Upon the payment of all of the bonds issued hereunder, the excess revenues, if any, derived from the operation of such public off-street parking facilities may be used for street construction, street reconstruction, or traffic administration.

Section 5.

Should any section, sub-section, paragraph, sentence, clause, or phrase, of this act, be declared unconstitutional or invalid, for any reason, the remainder of this act shall not be affected thereby.

Mr. Shaikun moved the Previous Question.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, having been dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Henry Arrowood	Bernie S. Edlin	J. T. Linton
Douglas T. Bolling	Harry W. Ennis	Homer E. Losey
J. C. Bradley	Dr. J. C. Gabbard	C. C. May
Jno. M. Burkhart	Franklin Goins	Harry L. Moore
Chas. W. Burnley	J. D. Gross	Herbert V. Moore
C. D. Call	Claude Hammons	L. D. Moore
J. H. Clarke, Jr.	B. C. Holbrook	W. B. Moser
A. Roy Copeland	Benton Howard	C. Sid Nabb
Marvin Cornett	Clyde S. Howard	Jno. C. Newcomb
John P. Craig	J. J. Huff	H. C. Patterson
Thos. S. Dawson	W. N. Hughes	Chester Peterson
Adron Doran	W. H. Hunt	Albert W. Pfeiffer
J. R. Dorman	Lee Johnson	Sylvester Phillips
T. H. Dyer	Paul S. Jonas	J. Gip Prather

L. W. Preston	Carl Scheben	Joe Stewart
Kleber F. Price	F. W. Schuhmann	Thos. M. Swope
Edw. F. Prichard	Vernon Seaton	Egbert V. Taylor
James E. Quill	Leon J. Shaikun	Roy L. Taylor
C. R. Reeves	Faust Y. Simpson	E. B. Thompson
Wade H. Riley	George T. Smith	John L. Trumbo
Amos Runyon	R. J. Spaulding	R. E. West

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Resolved that the title thereof be as aforesaid.

Mr. Shaikun moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, and without objection, the following bills were introduced, viz:

By Mr. Pfeiffer.

H. B. 398. An Act relating to crimes.

Said bill is as follows, viz:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (4) of section 433.250 of the Kentucky Revised Statutes is amended to read as follows:

(4) Any person who steals domesticated rabbits or pigeons, or chickens, turkeys, ducks or other fowl, of the value of two dollars or more shall be confined in the penitentiary for not less than one nor more than five years.

By Mr. Seaton.

H. B. 399. An Act making it a misdemeanor for any person holding an appointive office in the State Government to engage in pernicious political activities.

Said bill is as follows, viz.:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1: It shall be unlawful for any person who holds any appointive office in any department of the state government to use his official authority or influence for the purpose of interfering with an election, or a nomination for office, or affecting the result thereof, or to control or modify the political action of any other person; nor shall any such person take any active part in a political campaign, primary election, or convention, or be a member of any campaign committee or governing committee of any political organization. All such persons shall retain the right to vote as they may choose and to express their opinions on all political subjects and candidates.

Sec. 2: It shall be unlawful for any person who holds any appointive office in any department of the state government, directly or indirectly, to promise any employment, position, work, compensation, or other benefit, to any person as a consideration, favor or reward for any political activity in any election, primary election, or convention.

Sec. 3: Any person who violates any of the provisions of this act shall, for each offense, be fined not more than Ten Thousand Dollars, and imprisoned in the county jail not less than thirty days, nor more than one year, and upon conviction shall be immediately removed from the position or office held by him, and the judgment of conviction shall so declare.

Sec. 4: Whereas existing statutory provisions are inadequate to prevent pernicious political activities on the part of persons holding appointive offices in the state government, an emergency is hereby declared to exist, and this act shall become effective immediately upon its passage and approval as required by law.

By Mr. Steinford.

H. B. 400. An Act amending Sec. 393.100 KRS.

Said bill is as follows, viz:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That Section 393.100 of the Kentucky Statutes, 1942, be, and the same is hereby amended and re-enacted, so that as amended and re-enacted, said section, shall read as follows, to-wit:

Any property paid into any court of this state for distribution and the increments thereof, shall be presumed abandoned if not claimed within five years after the date of payment into court or as soon after the five-year period, as all claims filed in connection with it, have been disallowed or settled by the court. Provided, however, that any property paid into any court of this state for distribution and the increments thereof which may be presumed abandoned as provided in this act and which shall have been recovered or procured upon the relationship or through the instrumentality of any municipality of this state, shall revert to the General Fund of such municipality and at any time after the five-year period has expired, after the date of the payment into the court, the municipality may by petition filed against the custodian of such funds, in the court in which said property is located, request the payment thereof to said municipality and the Judge of said court shall order the Custodian thereof, to pay the entire sum to said municipality. Provided, further that before entering judgment, ordering said sum so paid, the court shall require that notice be published at least once in a newspaper of general bona fide circulation in the County, stating the intention of the court to award such sum to the municipality and final judgment shall not be entered, until 15 days shall have elapsed from the date of such publication. At any

time prior to the final judgment, the court may consider any bona fide claims made by claimants to said property or any part thereof. However, thereafter, any and all claimants shall be forever barred therefrom.

By Mr. Justice.

H. B. 401. An Act relating to political activity by appointive state officials and employees.

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

§1. Section 42.150 of the Kentucky Revised Statutes is amended to read as follows:

No appointive state official or employe shall use, or seek to use, his authority or official influence to control or modify the political action of any other person, or during the hours of duty engage in any form of political activity, or at any other time take such part in political activities or political campaigns as to affect or impair his usefulness in the position in which he is employed.

§2. Any person violating section one of this Act shall be fined not less than one hundred nor more than five hundred dollars, or imprisoned for not less than ten nor more than thirty days, or both so fined and imprisoned, and removed from any state office or employment he may hold.

H. Res. 67. Resolution authorizing the payment of costs and attorneys fees in the contest case of Spillman vs. Phillips.

Said resolution is as follows, viz:

WHEREAS, During the 1944 regular session of the House of Representatives of the Commonwealth of Kentucky, a contest was filed by Charles L. Spillman, Contestant, against Sylvester Phillips, Contestee, arising out of the November

election held in the Thirty-eighth Legislative District in Jefferson County, and,

WHEREAS, This contest was duly presented to the House of Representatives for its consideration, and,

WHEREAS, A Contest Committee was selected by lot to consider and decide the contest, and,

WHEREAS, Said Contest Committee, with the agreement of the parties involved, employed the Honorable Jasper F. Hagan to act as Special Commissioner in helping consider the contest, and,

WHEREAS, after due consideration by this Committee and by vote of the House it was decided that the Honorable Sylvester Phillips, Contestee, was entitled to represent the Thirty-eighth Legislative District in the House.

Now, Therefore: Be it Resolved by the House of Representatives of the Commonwealth of Kentucky:

That there is hereby appropriated out of the Legislative Fund the sum of $200.00 to the Honorable Jasper F. Hagan, as his fee and expenses as Special Commissioner; to the Honorable Thomas Dawson, as attorney for the Contestee, the sum of $100.00; to the Honorable David McAfee and Honorable Simeon Jacobs, as attorney for the Contestant, the sum of $100.00; to Charles L. Barker, tabulator for the Contestant for services rendered, the sum of $15.00; to J. W. Becker, tabulator for the Contestee for services rendered the sum of $15.00; to Ray Thompson, box carrier for the Commissioner, for his services $15.00; to Honorable Faust Y. Simpson, as attorney for the Contest Committee, the sum of $25.00, for his services; and the Commissioner of Finance is hereby directed to draw his warrants upon the Treasurer in favor of the above mentioned parties for the amounts above specified.

Ordered that said bills and resolution be printed and referred

To the Committee on Rules.

Mr. Quill moved that the House do now recess until seven-thirty o'clock P. M.

Said motion was agreed to.

And then the House recessed.

The hour of seven-thirty o'clock P. M. having arrived, the Speaker resumed the Chair and called the House to order.

A message was received from the Senate announcing that they had passed bills which originated in that body, entitled:

S. B. 90. An Act creating Legislative Research Commission.

WHEREAS, under the Constitution of Kentucky, all funds for the operation of all branches of the State government must be provided by appropriations made by the General Assembly, and,

WHEREAS, it is the duty and function of the members of the General Assembly, as the duly elected representatives of the people, to ascertain and know whether or not public funds are being economically and wisely expended, and to be fully informed concerning the need of public funds and legislation for essential Government activities, and,

WHEREAS, it is the further responsibility and duty of the legislative branch of government to keep informed as to all the operations, functions and needs of government to the end that inefficiencies may be eliminated and improvement in public service provided, and,

WHEREAS, efficient and progressive government will be responsible only when full information is secured through legislative inquiry, and,

WHEREAS, it is necessary to assist the General Assembly of this Commonwealth in the proper performance of its constitutional functions by providing its members with impartial and accurate information concerning legislative subjects, and,

WHEREAS, our constitutional form of government is founded upon the theory that each of the three distinct powers of government shall be confided to a separate body of magistracy,

NOW, THEREFORE, to more fully preserve the magistracy of the power of the legislative branch of State government by providing the General Assembly with means for independent investigation, study and research necessary to the exercise of the functions of the Legislative branch of Government.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. There is created a Legislative Research Commission of the House of Representatives and a similar commission of the Senate. Such commission in the House of Representatives shall consist of the Speaker of the House of Representatives, who shall be chairman of the Commission of the House, and eight members of the House appointed by the Speaker. Such commission in the Senate shall consist of the President Pro Tem of the Senate, who shall be chairman of the Commission of the Senate, and eight members of the Senate who shall be appointed by the President Pro Tem of the Senate. Five of the appointed members of each commission shall be selected from that political party which has a majority representation in the particular house, and the remaining three shall be selected from the minority party.

2. Except as otherwise herein provided the members of said commissions shall hold office until the next regular session of the General Assembly at which time and at each

succeeding regular session of the General Assembly the membership of said commissions shall be appointed in the manner provided in Section 1 hereof at a date not later than April 1 following the regular session of the General Assembly. A vacancy on the House Commission shall be filled by the Speaker, and a vacancy on the Senate Commission shall be filled by the President Pro Tem of the Senate. Any cause which results in a member of either commission ceasing to be a member of the General Assembly shall create a vacancy in the membership of such person on the Commission. Any cause, which would create a vacancy in the office of the Speaker of the House or of the President Pro Tem of the Senate shall likewise create a vacancy in his office as chairman of the commission. In the case of such vacancy, the members of the commission shall select a chairman from among their membership for the remainder of the term.

3. Each commission shall meet during the interim between sessions of the General Assembly once each month at the State Capitol, unless otherwise directed by the respective chairman of the commissions, beginning in July on the second Monday thereof, following the close of the pending session of the General Assembly, and on the second Monday every month thereafter. Any regular meeting shall continue for three days unless extended by a vote of the commissions. Special interim meetings of either commission may be held at the call of the chairman, or upon the request of fifty percent of the members of either commission, the chairman shall call a special meeting.

No senator or representative shall during the present term for which he was elected, nor for one year thereafter receive any compensation or profit for his extra official services as a member of said commissions. Each member of each of said Commissions shall be reimbursed out of the appropriation hereinafter provided for his necessary expenses, including transportation, lodging, meals and incidentals in

travelling to and from and while attending the meetings of said commissions.

4. The Legislative Research Commissions of the respective houses are authorized and empowered jointly and severally for the benefit of the General Assembly to make or have made research, audits and studies of or pertaining to any or all of the following named subjects, relating to State Government, and which may be legally considered or acted upon by the legislative branch of State Government.

State and National Defense,
Revenue and taxation,
Industrial Development,
Transportation,
Social Security,
Agricultural Research and Development,
Education,
Budget Research,
Conservation of Natural Resources,
Public Health,
Public Welfare, including Charitable and Penal Institutions,
State Expenditures,
Post War Planning,
Roads and Highways,

Each commission shall jointly or severally, not later than the 15th day of December preceding a Regular Session, make available to the Governor of the Commonwealth and to the General Assembly a report of its findings and recommendations, accompanied with drafts of suggested legislation for the information of and consideration by the General Assembly, and said commission shall after investigation and research make such other recommendations to the Governor and to the General Assembly as will serve to eliminate waste,

and promote efficiency and economy in State Government and promote the general welfare of the populace.

5. For the purpose of administering this act the commissions shall cooperate with each other as far as practicable. Such cooperation in the administration of this Act shall be effected by means of a joint sub-commission, which shall consist of the Speaker of the House and four members of the House Commission appointed by him, and the President Pro Tem of the Senate and four members of the Senate Commission appointed by him, the appointments from each commission being divided equally between the two major political parties. The joint sub-commission shall meet at a date as early as practicable after the organization of the House and Senate Commission and formulate a plan of administration which will provide for the coordination of the activities and efficient use of the personnel employed by the commissions, and the elimination of unnecessary duplication or overlapping of functions.

6. The commissions as agencies of State Government as distinct from agents or employees of the General Assembly or either house thereof, jointly may employ such skilled and professional assistants and office personnel and contract for such services as may be necessary in the performance of their duties and the accomplishment of the purpose of this Act, and all employments and contracts for services and the compensation to be paid therefore shall be determined by the joint sub-commission referred to in Section 5 of this Act, with the approval of a majority of each of the two commissions. None of the provisions of Sections 42.110, 42.120 and 42.130 KRS shall be applicable to the employees or employment herein provided for. In the administration of this Act the joint sub-commission shall supervise and provide for the allocation of the work and activities of all employees of the respective commissions, subject to the approval of a majority of each

of the two commissions. During the regular or any special session of the General Assembly the research staff and personnel as provided for in this Section shall be at the disposal of the members of the General Assembly under the supervision of the Speaker of the House and the President Pro Tem of the Senate. Office space for the Legislative Research Commissions of the House and Senate shall consist of the House and Senate chambers and rooms used by the General Assembly while in session and such other space as the commissions of the House and Senate may deem necessary.

7. In the discharge of its duties, the Commission may administer oaths, issue subpoenas for the attendance of witnesses and the production of papers and testimony, and cause the depositions of witnesses, either residing within or without the state, to be taken in the same manner as in civil actions in circuit court. The circuit court of any county, on application of the Commission, shall compel compliance with any subpoena issued in behalf of the Commission, and the giving of testimony by any witness to any matters regarding which he may be lawfully interrogated, by proceedings for contempt, as in the case of disobedience of the requirements of a subpoena issued for such court or a refusal to testify therein.

Each witness who appears before a Legislative Commission by its order, other than a state officer or employee, shall receive for his attendance the fees and mileage provided for witnesses in civil cases in courts of record, which shall be audited and paid upon the presentation of proper vouchers sworn to by the witness and approved by the chairman of the Commission.

8. The editorial staff of the Statute Revision Commission, upon request of either Commission shall assist in the drafting of such proposed legislation as either commission directs to be prepared.

9. Each commission may establish such sub-commissions as may be convenient or desirable for the proper and efficient performance of its functions. The chairman of either commission subject to the approval of the commission, may appoint any member of the House or Senate as a temporary exofficio member of any sub-commission, to assist in research, study or audit of any subject, and such exofficio member so appointed shall while acting in said capacity be reimbursed for expenses in the same manner as provided for members of the commission in Section 3 hereof.

10. There is hereby appropriated to the Legislative Research Commissions of the House of Representatives and the Senate, out of the General Fund, for each of the fiscal years 1944-1945 and 1945-1946, the sum of $35,000.00, for the purposes of this Act.

11. The chairman of the Legislative Research commissions of the House and the Senate may at any time during any fiscal year, requisition any part or all of the sums appropriated by this Act for such year. The Department of Finance, upon receiving such requisitions, shall issue its warrant upon the State Treasury for the amount requisitioned.

The State Treasury shall issue his checks payable to such chairmen jointly in their official capacity for the amounts requisitioned. Upon receipt of such checks the chairmen shall cause the amount thereof to be deposited in some solvent bank or banks of this State. Before making such deposits the bank or banks shall be required to execute a bond with good surety to be approved by the chairmen of the commissions. Before the State Treasurer shall issue any check to the chairmen of the commissions or honor any requisition made by them, the chairmen shall execute and file with the Treasurer a joint bond with an incorporated surety authorized to do surety business in the State of Kentucky in a penal sum

equal to the largest amount that may be in their hands at any one time; the premiums on such bonds to be paid out of the appropriations made by this Act. Such bond shall be a convenant to the Commonwealth of Kentucky from the principals and surety that the principals will faithfully discharge their duties.

At the expiration of three months from the beginning of each fiscal year, all balances of appropriations and requisitioned funds not encumbered prior to the end of the fiscal year shall lapse to the General Fund and the chairmen of the Legislative Research Commissions of the House and the Senate shall issue their check to the State Treasurer for the amount on deposit to their credit that has lapsed by virtue of this section.

12. Disbursements from the funds placed on deposit pursuant to Section 11 of this Act shall be made only upon checks signed by the chairman of the Legislative Research Commission of one house and countersigned by the chairman of the Commission of the other house. The Legislative Research Commission shall cause a report to be made to the General Assembly at each regular session, on the second day of the session, containing an itemized statement of all disbursements of the funds expended under this Act.

13. If any section or provision of this Act shall be held unconstitutional or invalid for any reason, it shall not affect the validity of the Act, as a whole, or any other section or provision thereof.

14. Sections 7.010, 7.020, 7.030, 7.040, 7.050, 7.060, 7.070 and 7.080, of the Kentucky Revised Statutes are hereby repealed and all other laws or parts of laws in conflict with the provisions of this Act are repealed.

S. B. 62. An Act relating to state appropriations for county roads, etc.

Said bill is as follows, viz:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

KRS 179.410 is amended and re-enacted to read as follows:

The Department of Highways shall allocate the sum appropriated by the State for the construction, reconstruction, improvement, and maintenance of county roads and bridges as follows:

(1) One-third of the sum appropriated shall be apportioned equally between the one hundred and twenty counties.

(2) One-third of the sum allocated shall be apportioned among the several counties on the basis of the ratio which the population of each county bears to the total population of the state.

(3) One-third of the sum allocated shall be apportioned among the several counties on the basis of the ratio which the square mile area of the county bears to the total square mile area of the state.

(4) The Department of Highways at the close of each quarter of the current fiscal year, or as soon thereafter as practicable, shall furnish to the fiscal courts of the several counties a statement showing the total amount of all disbursements, the unliquidated and unencumbered balances of the funds allocated to the respective counties for that fiscal year.

S. B. 121. An Act providing for the establishment of a juvenile court in all cities of the third class.

Said bill is as follows, viz:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. In any county having therein or that may hereafter have therein a city of the third class or a portion of a city of the third class not the county seat and being more than ten miles from the county seat, the distance to be measured from the courthouse of such county seat to the city limits of such third class city or portion of such third class city, except in counties wherein there are circuit courts of continuous session along the most convenient and usually traveled highway, there is hereby established a Juvenile Court and the governing authority of such third class city may but shall not be compelled to establish, construct and maintain a detention home in such city and if such home is established shall levy annually a sufficient tax to establish, construct and maintain such detention home.

§ 2. The Judge of the Police Court of said city shall act and serve as Judge of this Juvenile Court, and such Court shall have exclusive jurisdiction within the limits of the city of all dependent, neglected and delinquent children as defined in Section 199.010 of the Kentucky Revised Statutes. The City Prosecuting Attorney shall be Clerk of the Juvenile session of the Police Court, and he shall attend all sessions of the court and shall keep a complete and indexed record of its proceedings. For his services as such Clerk the governing authority of the city may make him a reasonable annual allowance to be paid out of the city treasury. The Judge of the Police Court may appoint a probation officer if he deems it necessary or advisable, who shall serve at the pleasure of the Judge and who may be a volunteer probation officer, or the city may pay him a reasonable compensation for his services not to exceed Fifteen Hundred ($1500.00) Dollars annually payable in equal monthly installments out of the City treasury.

§ 3. The provisions of chapter 199 of the Kentucky Revised Statutes, dealing with dependent, neglected and delinquent children and Juvenile criminals, shall apply in full force to all proceedings had in the Juvenile Courts established under this Act, except as inconsistent with the foregoing provisions of this Act, and they are adopted as part of this Act, and if in the enforcement of this law the Juvenile Judge should commit some delinquent child to the Reform School the expense of maintaining the child shall be paid by the County in the manner now provided by law under sections 198.080 and 198.090 of the Kentucky Revised Statutes.

§ 4. The tax levying authority of such third class city shall make an annual levy of taxes in the manner now provided by law, and within the constitutional limits of taxation provided in such city, to defray such expenses as are incident to the establishment, operation and maintenance of this Juvenile Court and detention home, if such detention home is established by the city.

Ordered that said bills be printed and referred

To Committee on Rules.

And that they had passed a bill which originated in this House entitled:

H. B. 205. An Act abolishing the Division of Professional Regulation in the Department of Business Regulation.

Ordered that said bill be delivered to the Enrolling Clerk of this House.

Mr. Quill moved that the House do now recess for fifteen minutes.

Said motion was agreed to.

And then the House recessed.

Fifteen minutes having expired, the Speaker resumed the Chair and called the House to order.

Mr. Quill of the Committee on Rules, to which the same had been referred, reported a bill entitled:

S. B. 90. An Act relating to legislative research, audits, and studies; establishing legislative research commissions of the House of Representatives and Senate, etc.

With the expression of opinion that said bill ought to pass.

Said bill was read at length the first time and ordered to be placed on the Calendar.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 289. An Act relating to railroad property.

Said bill is as follows, viz:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

Section 433.400 of the Kentucky Revised Statutes of 1942 is amended to read as follows:

Any person, other than an employee of the railroad company, in the usual and necessary discharge of his duty, who tampers with a railroad car or locomotive, or who shall take or remove the waste or packing from any journal box of any railroad car or locomotive, or who disconnects or disables the air hose, or turns or disables the anglecock connecting the air line on any train or car, or uncouples any train shall upon conviction be fined not less than one hundred dollars nor more than five hundred dollars, or imprisoned for not less than one nor more than six months, or both.

Mr. Dorman moved the Previous Question.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, having been dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

Henry Arrowood	Clyde S. Howard	Albert W. Pfeiffer
F. H. Bassett, Jr.	J. J. Huff	Sylvester Phillips
Isaac Blevins	W. H. Hunt	James T. Philpott
Douglas T. Bolling	Lee Johnson	J. Gip Prather
J. C. Bradley	Paul S. Jonas	L. W. Preston
Jno. W. Burkhart	Wm. E. Justice	Edw. P. Prichard
Chas. W. Burnley	H. Clay Kauffman	James E. Quill
C. D. Call	G. M. Knuckles	C. R. Reeves
Willis Champion	J. T. Linton	L. Allen Rhoads
A. Roy Copeland	Homer E. Losey	Wade H. Riley
John Henry Cox	Pearl McKinney	Amos Runyon
John P. Craig	Ed Marcum	Carl Scheben
Adron Doran	C. C. May	F. W. Schuhmann
J. R. Dorman	Johnston Miller	Vernon Seaton
T. H. Dyer	Harry L. Moore	Leon J. Shaikun
Bernie S. Edlin	Herbert V Moore	Jno. W. Simmons
Harry W. Ennis	W. B. Moser	Faust Y. Simpson
Jas. P. Hallahan	Coy C. Nevitt	George T. Smith
Claude Hammons	Joe E. Nunn	R. J. Spaulding
B. C. Holbrook	H. C. Patterson	E. A. Spencer
Benton Howard	Chester Peterson	Arthur Stallard

Geo. W. Steinford	Otis C. Thomas	Harry F. Walters
Joe Stewart	E. B. Thompson	R. E. West
Egbert V. Taylor	John L. Trumbo	
H. Thieman, Jr.	S. J. Wagner	—73

Resolved that the title thereof be as aforesaid.

Mr. Dorman moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration a bill which was reported to this House on February 23, from the Senate, entitled:

H. B. 38. An Act amending Sec. 256.010 of KRS.

With an amendment thereto as proposed and adopted by the Senate.

(For bill see House Journal of January 24)

Said amendment as proposed and adopted by the Senate, is as follows, viz:

Amend H. B. 38 by striking out lines 16, 17, 18, 19, 20, 21 and 22 of subsec. (d) and inserting in lieu thereof the following:

"(d) A cattle guard not less than eight (8) feet wide and not less than six (6) feet across with a pit not less than two (2) feet six (6) inches deep with iron pipes not less than two (2) nor more than six (6) inches in diameter, iron rails or wooden rails not less than two (2) nor more than four (4) inches across the surface exposed to traffic, and not less than five (5) inches apart, constituting a part of a fence otherwise lawful and entering upon a public road or highway or enter-

ing upon a private or public road or passway over the land of another landowner.

Said amendment was then concurred in.

Said bill was then passed, as amended.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Henry Arrowood	Paul S. Jonas	L. Allen Rhoads
F. H. Bassett, Jr.	H. Clay Kauffman	Amos Runyon
Isaac Blevins	G. M. Knuckles	Carl Scheben
J. C. Bradley	J. T. Linton	F. W. Schuhmann
Jno. W. Burkhart	Homer E. Losey	Vernon Seaton
Chas. W. Burnley	A. L. Love	Leon J. Shaikun
C. D. Call	Pearl McKinney	Jno. W. Simmons
Willis Champion	C. C. May	Faust Y. Simpson
A. Roy Copeland	Johnston Miller	George T. Smith
John Henry Cox	Harry L. Moore	R. J. Spaulding
John P. Craig	Herbert V. Moore	E. A. Spencer
Adron Doran	L. D. Moore	Arthur Stallard
J. R. Dorman	W. B. Moser	Geo. W. Steinford
T. H. Dyer	C. Sid Nabb	Joe Stewart
Bernie S. Edlin	Joe E. Nunn	C. W. Taylor
Franklin Goins	H. C. Patterson	Egbert V. Taylor
Jas. P. Hallahan	Chester Peterson	H. Thieman, Jr.
Claude Hammons	Albert W. Pfeiffer	Otis C. Thomas
B. C. Holbrook	Sylvester Phillips	E. B. Thompson
Benton Howard	J. Gip Prather	John L. Trumbo
Clyde S. Howard	L. W. Preston	S. J. Wagner
J. J. Huff	Edw. P. Prichard	Harry F. Walters
W. H. Hunt	James E. Quill	R. E. West
Lee Johnson	C. R. Reeves	Taylor Witt

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There voted in the negative—

Coy C. Nevitt —1

Mr. Quill moved that the vote by which said bill was passed, as amended, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Enrolling Clerk of this House.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 219. An Act relating to fish and game.

With Committee amendments thereto.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Subsection (1) of Section 150.010 of the Kentucky Revised Statutes is amended to read as follows:

(1) "Angling" means taking fish by hook and line in hand, rod in hand, set line or trot line, but does not include the use of grappling hooks, naked hooks, snatch hooks, gang hooks, gigs and net of any kind, or the taking of fish where the bait or hook is not voluntarily taken into the mouth by the fish, or the taking of fish by and means prohibited by KRS 150.445.

§ 2. Section 150.170 of the Kentucky Revised Statutes is amended to read as follows:

(1) Except as provided in subsections (2), (3) and (4) of this section:

(a) No person sixteen years of age or older shall use a gun or take wild animals or wild birds, or take fish by angling or buy the pelts of wild animals for commercial purposes, without first having secured a license therefor as provided in this chapter;

(b) No person under sixteen years of age shall take wild animals except by trapping or buy the pelts of wild animals for commercial purposes or take wild birds without having first procured a license therefor as provided in this chapter; and

(c) It is the specific purpose of this chapter to prohibit the taking of any wild life or wild animals protected or unprotected, or the angling in any stream or body of water, whether public or private, without the securing of the license provided for herein.

(2) Landowners, their resident children and lessees on their land may without a license take fish from the waters therein, by angling from the bank or shore only, and take wild animals and wild birds therefrom subject to the further provisions of this chapter.

(3) Nonresidents attending and participating in any annual state or national field trial need not obtain a hunting license.

(4) The provisions of this chapter for the protection of wild animals shall not apply to any resident landowner of this state who kills on his land any wild animals that is causing damage to such land or to any personal property located thereon, if such landowner immediately reports the killing to a conservation officer or to the county sheriff, together with proof of the damage caused by the animal, and at the same

time delivers the body of the animal to such officer or sheriff. Any animals delivered to a conservation officer or sheriff under this subsection shall be disposed of as provided by regulations of the Division of Game and Fish.

§ 3. Section 150.180 of the Kentucky Revised Statutes is amended to read as follows:

(1) Rabbits, mussels, fish other than black bass, channel or fiddler cats under eleven inches in length, sturgeon or hackleback, crappie, jack salmon or walleyed pike or striped bass, sand pike or sauger, and the pelts of fur-bearing animals may be bought and sold, if they are in legal possession.

(2) Except as provided in subsection (4) and KRS 150.290, no wild animal, wild bird or fish, other than those named in subsection (1), protected by this chapter shall be bought or sold.

(3) Except as provided in subsection (4) of this section and KRS 150.290, no person for himself or as agent or employe shall transport or direct to be transported any wild birds, wild animals or fish protected by this chapter, except that a person who has been issued a license under this chapter and has the license in his possession may transport anywhere as part of his personal baggage a quantity of wild birds, wild animals or fish not in excess of two days' bag limit at the time of transporting.

(4) This section shall not in any way interfere with the buying, selling and transporting of the skins of fur-bearing animals, nor the transporting of any wild animals, wild birds or fish by the authorized officers of the Division of Game and Fish.

(5) After procuring a license as provided in KRS 150.220, a retail dealer may have in his possession a total of

fifty rabbits in any one day, and a wholesaler may have in his possession a total of five hundred rabbits in any one day.

§ 4. Section 150.220 of the Kentucky Revised Statutes is amended to read as follows:

(1) The fees for licenses for residents of Kentucky shall be as follows:

(a)	Fishing license	$ 1.00
(b)	Seining license and one tag for one hundred feet of seine or part thereof,	5.25
(c)	Additional tags per one hundred feet of seine or part thereof,	2.00
(d)	Hoop net license,	1.25
(e)	Each additional hoop net,	1.00
(f)	County hunting license, A county hunting license authorizes the holder to hunt within the boundaries of the county for which it is issued and the holder need not be a resident of such county.	1.00
(g)	State-wide hunting license, A State-wide hunting license authorizes the holder to hunt in any county without paying any additional fee.	3.00
(h)	Trapping license,	1.00
(i)	Fur buyers or dealers,	2.00
(j)	Live bait dealers,	5.00
(k)	Ferret permit,	2.00
(l)	Rabbit retail dealer,	5.00
(m)	Rabbit wholesaler,	50.00

(2) The fees for licenses for nonresidents of Kentucky shall be as follows:

(a) Fishing license (season), ... 2.50

(b) Fishing license (for seven consecutive days),.. 1.00
The county clerk shall state in the license the day the license begins.

(c) Seining license, ... 10.50

(d) Tags per one hundred feet of seine or part thereof, ... 4.00

(e) Hoop net license, ... 2.50

(f) Each additional hoop net, ... 2.00

(g) Hunting license, ... 15.50

(h) Trapping license, ... 10.50

(i) Fur buyers or dealers, ... 75.00

(j) Ohio River fishing license (season), ... 1.00
This license to be issued only to citizens of Ohio, Indiana and Illinois, and to authorize fishing only in the Ohio River.

(k) Seining license (Ohio River) and one tag for one hundred feet of seine or part thereof (to be issued only to citizens of Ohio, Indiana and Illinois, and to authorize seining only in the Ohio River,) 5.25

(l) Additional tags per one hundred feet of seine or part thereof (Ohio River), ... 2.00

(m) Hoop net license (to be issued only to citizens of Ohio, Indiana and Illinois, and to authorize hoop netting only in the Ohio River,) 1.25

(n) Each additional hoop net (Ohio River), ... 1.00

(3) The director may issue to any qualified person a permit to take and transport wild animals, birds or fish at any time for scientific or educational purposes. These permits shall be valid for one year and shall show the period of their validity. The fee for such permit shall be one dollar.

(4) No person shall take wild animals, birds or fish protected by this chapter without having the license provided therefor in his possession and the button or badge provided with the license attached on the outside of his clothing in a conspicuous manner, and if a person takes fish with a seine or hoop net he must also have a fishing license, and display the badge or button.

(5) The licenses and tags provided for by paragraphs (j), (k), (l), (m) and (n) of subsection (2) of this section shall be issued by the division directly or through any person, resident or nonresident, designated by the division as agent for the purpose. Any agent so designated shall be entitled to retain a fee of twenty-five cents out of the money received by him for each seine license and hoop net license and fifteen cents for each fishing license, additional hoop net tag and each additional one hundred feet of seine or part thereof.

§ 5. Section 150.310 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person shall take a wild bird except with bow and arrow or with a gun, which gun shall not be larger than a ten gauge fired from the shoulder. If a shotgun is used, the magazine shall be plugged with a solid wooden or metal plug in such a way that the gun will hold not more than three cartridges.

(2) No person shall hunt birds with lights or other means used to blind birds at night.

§ 6. Section 150.330 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person shall take or have in his possession any wild birds except during the open season for the particular species. For the purpose of establishing open seasons for wild birds, the state is divided into two districts. One district, to be known as the Northern District, shall consist of the counties of Meade, Bullitt, Spencer, Anderson, Woodford, Jessamine, Fayette, Clark, Powell, Menifee, Morgan, Johnson and Martin, and all counties north of those counties. The other district, to be known as the Southern District, shall consist of the remaining counties of the state. The open season for quail or bob white in the Northern District shall be November 10 to December 31. The open season for quail or bob white in the Southern District shall be November 24 to January 14. The open season for ruffed grouse or native pheasant in both districts shall be December 1 to December 15. There shall be no open season on wild turkey. No person shall take quail, ruffed grouse or native pheasant except from sunrise to sunset.

(2) No person shall take, pursue, possess, transport, purchase or sell or attempt so to do, any migratory birds, except as authorized by the Migratory Bird Treaty Act (40 Stat. 755) and regulations under it. No person over sixteen years of age shall hunt any wild ducks, geese or brant unless at the time, in addition to the appropriate state hunting license, he has on his person a valid migratory bird hunting stamp of current issue as required by the Migratory Bird Hunting Stamp Act (48 Stat. 451) as amended.

§ 7. Section 150.340 of the Kentucky Revised Statutes is amended to read as follows:

No person shall, in any one day, take more wild birds for which there is an open season, than the bag limit for the species as set out herein:

Quail	12
Ruffed Grouse or Native Pheasant	2
Doves	Federal Regulations apply.
Ducks	Federal Regulations apply.
Geese	Federal Regulations apply.
Coots and Gallinule	Federal Regulations apply.
Woodcock	Federal Regulations apply.
Snipe	Federal Regulations apply.

No person shall take more than ten ruffed grouse or native pheasant during any open season for such birds.

§ 8. Section 150.350 of the Kentucky Revised Statutes is repealed.

§ 9. Section 150.360 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person shall take wild animals protected by this chapter except by trapping, gig, bow and arrow, gun, gun and dog, or dog.

(2) A gun used in taking wild animals shall be no larger than a ten gauge and fired from the shoulder. If it is a shotgun, the magazine, if any, shall be plugged with a solid wooden or metal plug in such a way that the gun will hold not more than three cartridges.

(3) No person shall hunt rabbits with lights or other means used to blind rabbits at night.

(4) No person shall use a gig other than one of the following sizes and dimensions: The gig shall not have more than four prongs; no prong shall be longer than two and one-half inches; the prongs shall be made out of not heavier than 14-

gauge wire or metal, and shall not have more than one barb on each prong.

§ 10. Section 150.370 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person shall take any wild animal protected by this chapter except during the open season for the particular species. No person shall have in possession any wild animal or freshly skinned hide or fur thereof unless it was taken during the open season for the particular species. For the purpose of establishing open seasons for wild animals the state is divided into two districts, which shall be the same as those created by subsection (1) of KRS 150.330. In the Northern District, the open season for rabbit shall be November 10 to December 31. In the Southern District, the open season for rabbit shall be November 24, to January 14. In both districts the open season for mink, opossum, raccoon, skunk, muskrat and red fox shall be December 1 to January 31; for squirrel, August 1st to September 15, and November 24 to December 31; and for pond, bull or jumbo frogs, June 1 to May 1. Opossum and raccoon may also be hunted and taken by dog only from November 1 to January 31. There shall be no open season for otter and beaver.

(2) Subsection (1) shall not apply to persons who hunt red fox at night with dogs for sport and not to kill; but this exception in favor sportmen shall not extend to anyone engaged in the business of a fur dealer or a trapper or professional hunter.

(3) The possession of any wild animals, fur bearers, or the freshly skinned hide or fur thereof, when the season is not open shall be prima facie evidence that the animal was taken out of open season, but this presumption shall not apply to the possession of any skunk, red fox, muskrat or mink, or freshly skinned hide or fur thereof, between January

31 and February 15, nor to the possession of any raccoon or opossum, or freshly skinned hide or fur thereof between January 31 and February 15.

(4) A "freshly skinned hide or fur", for the purposes of this section, means a hide, fur or pelt which has not been processed by an established commercial processor. Skinning, stretching, oiling or coloring by the person who took the animal shall not be considered as processing.

(5) No person shall send or take, or cause to be sent or taken, out of this state, bring or cause to be brought into this state, in any one day, a number of wild animals in excess of the legal day's bag limit for an individual hunter.

§ 11. Subsection (2) of section 150.440 of the Kentucky Revised Statutes is amended to read as follows:

(2) No person shall take fish or attempt to take fish from any of the public waters of this state during the period from May 1 to May 29 (both days included) each year, except with a pole and line in navigable streams below the last lock and dam.

§ 12. A new section of the statutes is created to be numbered and read as follows:

150.445 (1) No person shall take fish by the use of a trot line, hand line, set line or throw line with hooks attached to the line, or to leaders, in such a manner that the hooks may be brought closer than thirty-six inches, apart, or by use of more than one of such lines in such a way as to bring the hooks attached to one line closer than thirty-six inches to the hooks attached to the other line.

(2) No person shall use, in taking fish, any line treated with a substance designed to attract animal or plant life, or insect life.

§ 13. Subsection (1) of Section 150.450 of the Kentucky Revised Statutes is amended to read as follows:

(1) Minnows and crawfish to be used for bait for angling may be taken from the public waters of this state with seine, but the seine shall not be more than ten feet in length and four feet in width or height, with mesh not larger than one-fourth inch. Any fish caught which are excluded from the definition of minnows in KRS 150.010 shall be immediately returned without injury to the water from which they are taken.

§ 14. Section 150.460 is amended to read as follows:

(1) No person, whether acting in a private or public capacity, shall place or cause to be placed in any public waters any substance that injuries, interferes with, or causes the waters to be unfit for the support of acquatic life. When an employe of a person in the course of his employment places or causes to be placed any such substance in any public waters, his act shall be prima facie evidence of the guilt of both the employe and the employer, and either one or both may be punished as provided in paragraph (a) of subsection (4) of KRS 150.990. Each day that this section is violated shall constitute a separate offense.

(2) No person shall willfullly and knowingly kill, injure, shock or stun, or attempt to kill or injure, shock or stun any fish by any explosive agent or similar substance.

(3) No person shall willfully place or attempt to place in any of the public waters of the state, for the purpose of taking fish, any substance which has a poisonous effect or intoxicating effect on acquatic life.

§ 15. Subsection (2) of section 150.470 of the Kentucky Revised Statutes is amended to read as follows:

(2) No person shall take or have in his possession any black bass under eleven inches in length, nor any crappie under eight inches in length, nor any channel or fiddler cat under ten (10) inches in length, nor any jack salmon or wall-eyed pike, sand pike or sauger under thirteen inches in length.

§ 16. Section 150.420 of the Kentucky Revised Statutes is amended to read as follows:

(1) Before a person engages in the business of buying furs and skins of fur-bearing animals, he shall secure a license from the director.

(2) No fur buyers license shall be issued to a resident of a state or county which does not grant equal privileges to citizens of this state.

(3) Every licensed fur dealer shall issue a receipt to each person from whom he purchases furs or skins of fur-bearing animals, setting forth the number and kind of furs or skins, the date of the purchase, and the price paid for each fur or skin. The dealer shall make out a duplicate receipt at the same time, and obtain the signature and address on such duplicate of the person from whom the furs or skins were purchased. On or before the end of each license year the dealer shall send the duplicate receipts to the division, and may be required by the division to send in the duplicate receipts more often. Failure to send in as directed bars licensee from obtaining license for the following year.

§ 17. Subsections (3) and (4) of section 150.990 of the Kentucky Revised Statutes are amended to read as follows:

(3) Any person who violates any of the provisions of subsection (3) of KRS 150.090, subsection (2) of KRS 150.-180, KRS 150.300, 150.330, 150.390, or KRS 150.485, shall be fined not less than twenty-five dollars nor more than two hun-

dred dollars or imprisoned for not more than six months, or both.

(4) (a) Any person who violates any of the provisions of subsection (1) of KRS 150.460 shall be fined not less than one hundred dollars nor more than one thousand dollars, or imprisoned for not more than six months, or both.

(b) Any person who violates subsection (2) or subsection (3) of KRS 150.460 shall be guilty of a felony and imprisoned not less than one nor more than three years and fined not more than five hundred dollars.

Said Committee amendments are as follows, viz.:

1. Amend H. B. 219 on page 5, section 4, line 62 after period at end of line 62 add this sentence: "Frogs may be taken with either a hunting or fishing license."

2. Amend H. B. 219 on page 2, section 3, line 4 by changing the word "eleven" between "Under" and "inches" to "ten".

3. Amend H. B. 219 on page 11, Section 16, line 7 by striking the word "county" and inserting in lieu thereof the word "country".

4. Amend H. B. 219 on page 6, section 6, lines 3 to 17 by striking all of lines 3 to 17 and inserting in lieu thereof the following:

"(1) No person shall take or have in his possession any wild birds except during the open season for the particular species. The open season for quail or bob white shall be November 10 to December 31. The open season for ruffed grouse or native pheasant shall be December 1 to December 15. There shall be no open season on wild turkey. No per-

son shall take quail, ruffed grouse or native pheasant except from sunrise to sunset.''

5. Amend H. B. 219 on page 8, section 10 lines 7 to 16 by striking all of lines 7 to 16 except the word ''species'' at the beginning of line 7 and inserting in lieu thereof the following:

The open season for rabbit shall be November 10 to December 31. The open season for mink, oppossum, raccoon, skunk, muskrat and red fox shall be December 1 to January 31; for squirrel, August 1 to September 15, and November 24 to December 31; and for pond, bull or jumbo frogs, June 1, to May 1.

Mr. West moved that said bill be laid on the table.

Said motion was disagreed to.

Mr. Quill moved the Previous Question.

Thereupon the Speaker announced ''Shall the Main Question be now put?''

Which was decided in the affirmative.

Mr. Quill moved that the vote by which the Previous Question was ordered, be reconsidered.

Said motion was agreed to.

Thereafter such reconsideration, Mr. Quill moved that said bill be recommitted.

To the Committee on Rules.

Said motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 294. An Act relating to compensation of circuit clerks.

With a Committee amendment thereto.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (1) of section 64.020 is amended to read as follows:

(1) Circuit clerks shall be paid out of the State Treasury for the following services the following fees:

Certified list of grand or petit jurors to the sheriff or other officer	$0.25
Filing same when returned by sheriff, and writing names of jurors on slips of paper	.25
Order excusing juror, for each juror excused, except regular panel	.25
Noting names of standing jurors on order book	.25
Order for sheriff or other officer to summon other jurors, each order	.10
Noting on order book the allowance to grand or petit jurors, each	.02
Order appointing and swearing jury commissioners	.25
Furnishing to jury commissioners names of persons exempted from service	.25

Recording receipt of envelope of sealed return of jury commissioner, and the oath of clerk and deputy ..... .25

In Commonwealth cases, in addition to other fees, ten per cent of all fines and forfeitures recovered in their respective courts and paid into the State Treasury .....

In inquests on persons alleged to be feeble-minded, lunatics or pauper idiots 5.00

Said Committee amendment is as follows, viz.:

Amend H. B. 294 on page 2, Section 1, line 24 by striking out "$5.00" and inserting in lieu thereof the figures "$2.50."

Said amendment was agreed to.

Ordered that said bill be engrossed and read the third time.

The Constitution provision as to the third reading of said bill at length having been dispensed with, and the same having been engrossed, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Henry Arrowood	A. Roy Copeland	Franklin Goins
F. H. Bassett, Jr.	John Henry Cox	R. M. Hall
Isaac Blevins	John P. Craig	Jas. P. Hallahan
Douglas T. Bolling	Thos. S. Dawson	Claude Hammons
J. C. Bradley	Adron Doran	B. C. Holbrook
Jno. M. Burkhart	J. R. Dorman	Benton Howard
Chas. W. Burnley	T. H. Dyer	Clyde S. Howard
Willis Champion	Bernie S. Edlin	Jerry F. Howell

J. J. Huff	Joe E. Nunn	Faust Y. Simpson
W. H. Hunt	H. C. Patterson	George T. Smith
Lee Johnson	Chester Peterson	R. J. Spaulding
Paul S. Jonas	Albert W. Pfeiffer	E. A. Spencer
Wm. E. Justice	Sylvester Phillips	Arthur Stallard
H. Clay Kauffman	James T. Philpott	Geo. W. Steinford
G. M. Knuckles	J. Gip Prather	Joe Stewart
J. T. Linton	L. W. Preston	Thos. M. Swope
Homer E. Losey	Edw. F. Prichard	C. W. Taylor
Pearl McKinney	James E. Quill	Egbert V. Taylor
Ed Marcum	C. R. Reeves	Roy L. Taylor
C. C. May	L. Allen Rhoads	H. Thieman, Jr.
Johnston Miller	Wade H. Riley	Otis C. Thomas
Harry L. Moore	Amos Runyon	E. B. Thompson
Herbert V. Moore	Carl Scheben	John L. Trumbo
L. D. Moore	F. W. Schuhmann	S. J. Wagner
W. B. Moser	Vernon Seaton	Harry F. Walters
C. Sid Nabb	Leon J. Shaikun	R. E. West
Coy C. Nevitt	Jno. W. Simmons	Taylor Witt

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Resolved that the title thereof be as aforesaid.

Mr. Quill moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Quill offered the following resolution, viz.:

Whereas, today is February 29th, by custom recognized as Leap Year Day; and

Whereas this day has always been devoted to the ladies as the proper occasion to procure a husband; and

Whereas, the most eligible bachelor in the House of Representatives is the Gentleman from Union, the Honorable Faust Y. Simpson; therefore

Be It Resolved by this House of Representatives that the Gentleman from Union is excused from this evening's session and his immunity from arrest after he is removed from the Chamber by the Sergeant at-Arms is waived.

Said resolution was unanimously adopted.

Mr. Moser of the Committee on Enrollment reported that they had examined and found to be correctly enrolled bills of the following titles, viz.:

H. B. 185. An Act relating to the investment of trust funds.

H. B. 191. An Act relating to classification of cities.

H. B. 130. An Act relating to local health officers.

H. B. 179. An Act relating to district detectives for counties having a population of 150,000 or more.

H. B. 163. An Act relating to the acknowledgement of instruments, the attestation of doucuments, etc.

H. B. 120. An Act relating to acts done and action taken by certain cities under an erroneous classification.

H. B. 205. An Act abolishing the Division of Professional Regulation in the Department of Business Regulations.

Thereupon all other business was suspended and said bills were read at length and compared in open session and found to be correctly enrolled, and thereupon, the Speaker, in open session and in the presence of the House, affixed his signature thereto.

Ordered that the Enrolling Clerk of this House deliver said bills to the Senate.

After a time the Enrolling Clerk aforesaid delivered the original and enrolled copies of said bills duly signed by the President of the Senate, into the possession of the Chief Clerk of this House.

Ordered that the Chief Clerk deliver said bills to the Governor.

After a time the Chief Clerk reported that he had discharged that duty.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 238. An Act providing for the inspection of weighing machines and weighing devices in tobacco warehouses, grain warehouses and public stockyards and providing penalties for violation thereof.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The Department of Agriculture, Labor and Statistics shall semi-monthly or oftener inspect the weights, measures, weighing devices and measuring devices of all tobacco warehouses, grain warehouses and public stockyards during the period that such warehouses and stockyards are open for the receipt, storage and sale of tobacco, grain and livestock and shall stamp those weights, measures, weighing devices and measuring devices with a mark that shall be placed in a conspicuous position on the device inspected, with the date of such inspection.

In the event the weights, measures, weighing devices and measuring devices are found inaccurate or defective notice shall be given to the owner thereof and the person in

possession to cease using the same until the defective condition has been corrected and the same shall not be again used until the Department has been given notice of the correction of said condition and has had full opportunity to inspect the same.

Section 2. The Department of Agriculture, Labor and Statistics is hereby directed to assign sufficient of its inspectors employed under the provisions of KRS 248.300 to discharge the duties hereby imposed upon the Department.

Section 3. Any tobacco or grain warehouse or public stockyards or agent, manager, corporation or organization that violates any of the provisions of this act shall be fined not less than $100.00 nor more than $500.00, and if a corporation it shall forfeit all corporate rights and privileges.

Section 4. Any public officer, agent or employee who fails to discharge the duties herein imposed shall be fined not less than $50.00 nor more than $500.00.

Mr. Goins offered the following amendment to said bill, viz.:

Amend H. B. 238 on page 2, section 1, line 16 after the word "same" by adding the following words: "Nothing in this Act shall apply to scales under Federal inspection."

Said amendment was agreed to.

Mr. Goins moved the Previous Question.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with and the same having been engrossed, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those voting in the affirmative were—

F. H. Bassett, Jr.
Isaac Blevins
Douglas T. Bolling
J. C. Bradley
Jno. M. Burkhart
Chas. W. Burnley
Willis Champion
A. Roy Copeland
John Henry Cox
John P. Craig
Adron Doran
J. R. Dorman
Bernie S. Edlin
Harry W. Ennis
Franklin Goins
R. M. Hall
Jas. P. Hallahan
Claude Hammons
B. C. Holbrook
Benton Howard
Jerry F. Howell
J. J. Huff
W. H. Hunt
Lee Johnson
Paul S. Jonas
Wm. E. Justice
H. Clay Kauffman
G. M. Knuckles
J. T. Linton
A. L. Love
Pearl McKinney
Ed Marcum
Johnston Miller
Harry L. Moore
Herbert V. Moore
L. D. Moore
C. Sid Nabb
Joe E. Nunn
H. C. Patterson
Chester Peterson
Albert W. Pfeiffer
J. Gip Prather
L. W. Preston
Edw. F. Prichard
James E. Quill
C. R. Reeves
L. Allen Rhoads
Wade H. Riley
Amos Runyon
Carl Scheben
F. W. Schuhmann
Vernon Seaton
Leon J. Shaikun
Jno. W. Simmons
Faust Y. Simpson
George T. Smith
R. J. Spaulding
E. A. Spencer
Arthur Stallard
Geo. W. Steinford
Joe Stewart
C. W. Taylor
Egbert V. Taylor
Roy L. Taylor
H. Thieman, Jr.
E. B. Thompson
S. J. Wagner
Harry F. Walters
R. E. West
Taylor Witt

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Resolved that the title thereof be as aforesaid.

Mr. Quill moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Quill moved that the House do now adjourn.

Said motion was agreed to.

And then the House adjourned.

WEDNESDAY, MARCH 1, 1944

The House was called to order by The Honorable Harry Lee Waterfield, Speaker.

The House was opened with prayer by the Reverend C. W. Grant of the Methodist Episcopal Church of Frankfort.

The roll was called and the following members answered to their names, viz.:

Chas. W. Anderson	John P. Craig	Benton Howard
Henry Arrowood	Thos. S. Dawson	Clyde S. Howard
F. H. Bassett, Jr.	Adron Doran	Jerry F. Howell
W. G. Biggers	J. R. Dorman	J. J. Huff
Isaac Blevins	T. H. Dyer	W. N. Hughes
Jno. W. Burkhart	Bernie S. Edlin	W. H. Hunt
Chas. W. Burnley	Harry W. Ennis	Lee Johnson
C. D. Call	Dr. J. C. Gabbard	Paul S. Jonas
Fred Carpenter	Chas. B. Gentry	Wm. E. Justice
Willis Champion	J. D. Gross	H. Clay Kauffman
J. H. Clarke, Jr.	R. M. Hall	M. Kavanaugh
A. Roy Copeland	Jas. P. Hallahan	G. M. Knuckles
Marvin Cornett	Claude Hammons	J. T. Linton
John Henry Cox	B. C. Holbrook	Homer E. Losey

A. L. Love
Pearl McKinney
C. C. May
Johnston Miller
Harry L. Moore
Herbert V. Moore
J. Lee Moore
L D. Moore
W. B. Moser
C. Sid Nabb
Coy C. Nevitt
Jno. C. Newcomb
Joe E. Nunn
H. C. Patterson
Chester Peterson
Albert W. Pfeiffer
Sylvester Phillips
James T. Philpott
J. Gip Prather
L. W. Preston
Kleber F. Price
Edw. P. Prichard
James E. Quill
C. R. Reeves
L. Allen Rhoads
Wade H. Riley
H. G. Royalty
Amos Runyon
Carl Scheben
F. W. Schuhmann
Leon J. Shaikun
George T. Smith
R. J. Spaulding
E. A. Spencer
Arthur Stallard
Geo. W. Steinford
Joe Stewart
Thos. M. Swope
C. W. Taylor
Egbert V. Taylor
Roy L. Taylor
H. Thieman, Jr.
Otis C. Thomas
E. B. Thompson
John L. Trumbo
S. J. Wagner
Harry F. Walters
R. E. West
Taylor Witt
Speaker Harry Lee Waterfield

Mr. Wagner moved that the reading of the Journal of yesterday's proceedings be dispensed with.

Said motion was agreed to.

Mr. Howard moved that the Rules of this House be suspended and that when the House adjourn today, it adjourn to meet again on tomorrow at eleven o'clock A. M.

Said motion was agreed to.

Mr. Hammons moved that all debate on non-controversial measures be limited to five minutes with the understanding that this motion may be amended from time to time to extend the limit of debate.

Said motion was agreed to.

At the instance of the Committee on Rules, the following bills were reported, viz.:

H. B. 397. An Act to amend the school laws in regard to transportation of pupils to school.

H. B. 237. An Act to impose tax of ten cents a ton on coal produced in this State.

H. B. 343. An Act relating to juvenile courts in cities of third class.

H. B. 365. An Act to regulate the operation of vehicles upon city streets.

H. B. 371. An Act to require State to pay all cost of acquiring rights of way for road purposes.

H. B. 370. An Act relating to the National Wartime Stabilization program.

H. B. 198. An Act relating to estate of married women.

H. B. 366. An Act to authorize the State Board of Health to establish medical scholarships.

H. B. 347. An Act relating to police courts in cities of second class.

S. B. 88. An Act providing for State owned automobiles.

S. B. 103. An Act relating to life insurance.

S. B. 45. An Act relating to banks.

S. B. 116. An Act relating to refund by the Unemployment Compensation Trust Fund to railroad employees.

S. B. 69. An Act relating to examination of mines.

S. B. 80. An Act relating to airports and landing fields.

S. B. 51. An Act relating to Commonwealth's attorneys.

S. B. 46. An Act relating to banks and trust companies.

H. B. 399. An Act relating to political activities of state employees.

H. B. 183. An Act prohibiting officers of employees of Highway Department from having pencuniary interest in contracts, etc.

H. B. 229. An Act relating to Miners and minerals.

H. B. 310. An Act to create the Kentucky State Board of Stationary Steam Engine and Boiler Operator Examiners.

H. B. 400. An Act to amend the escheat law.

H. B. 218. An Act relating to the child labor law.

H. B. 271. An Act to authorize sheriffs to serve notices of increases in tax assessments made by boards of supervisors.

With the expression of opinion that said bills ought to pass.

Said bills were each and severally read at length the first time and ordered to be placed on the Calendar.

At the instance of the Committee on Rules, the House took up for consideration from the Calendar, bills and resolutions of the following titles, viz.:

H. B. 216. An Act relating to the limitation of action against sheriffs and their sureties.

With Committee amendment.

H. B. 292. An Act amending Sec. 7.020, 7.030 and 7.060 KRS.

With Committee amendment.

H. B. 295. An Act relating to compensation of county jailers.

H. Res. 58. Resolution to pay a claim of $49.00 to Ruth King for services rendered.

H. B. 390. An Act relating to railroad crossing gates.

H. B. 323. An Act relating to collection of tax on dogs.

H. B. 158. An Act relating to inoculation of dogs against rabies.

H. B. 316. An Act relating to service of process on non resident persons, etc.

H. B. 344. An Act relating to compensation of circuit court reporters.

S. B. 56. An Act creating the Division of Rural Highways.

H. B. 257. An Act relating to registration and purgation.

H. B. 376. An Act relating to reporting conveyances of real property, etc.

H. B. 386. An Act relating to prohibitions, restrictions and regulation of alcoholic beverages.

H. B. 392. An Act to provide a stenographer for the Commonwealth's Attorney in counties containing cities of second class.

H. B. 377. An Act relating to parole.

H. B. 116. An Act relating to state parks.

S. B. 39. An Act relating to Active Militia.

H. B. 195. An Act relating to offenses against morality.

With a Committee amendment thereto by way of Substitute therefor.

H. B. 389. An Act to perfect the Kentucky Revised Statutes.

S. B. 42. An Act to make uniform the law of transfer of shares of stock.

S. B. 90. An Act relating to legislative research, etc.

Ordered that said bills and resolution be read the second time.

The Constitutional provision as to the second reading of said bills and resolution at length having been dispensed with, said bills and resolution were read the second time by their titles only.

Ordered that said bills and resolution be placed in the Orders of the Day.

Mr. Quill of the Committee on Rules, to which the same had been recommitted, reported a bill entitled:

H. B. 219. An Act relating to fish and game.

With Committee Amendments Nos. 1, 2, 3, 4 and 5 as heretofore adopted by this House.

With the expression of opinion that said bill ought to pass.

(For bill and amendments heretofore adopted by this House, see House Journal of yesterday.)

Mr. Arrowood moved that the vote by which Amendment No. 4 was agreed to, be reconsidered.

Said motion was agreed to.

Thereafter such reconsideration, Mr. Arrowood offered the following amendment to amendment No. 4, viz.:

Amend Amendment No. 4 to H. B. 219 by adding after the word "turkey" the following: "or mourning doves."

Without objection, said last named amendment was withdrawn by Mr. Arrowood.

Amendment No. 4 was then agreed to.

Mr. Rhoads offered the following amendments to said bill, viz.:

6. Amend H. B. 219 on page 4, section 4, line 24 by removing the following words: "(m) Rabbit wholesaler $50.00."

7. Amend H. B. 219 on page 4, section 4, line 23 by removing the following words: "(1) Rabbit Retail Dealer, $5.00."

Said amendments were each agreed to.

Mr. Clarke offered the following amendment to said bill, viz.:

8. Amend H. B. 219 on page 3, section 5, line 5 by eliminating the following words of line 23 "after procuring a license as provided in KRS 150.220,"

Said amendment was agreed to.

Mr. Quill moved the Previous Question.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with and the same having been engrossed, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	Marvin Cornett	Jas. P. Hallahan
Henry Arrowood	John Henry Cox	B. C. Holbrook
F. H. Bassett, Jr.	John P. Craig	Benton Howard
W. G. Biggers	Thos. S. Dawson	Clyde S. Howard
Isaac Blevins	Adron Doran	Jerry F. Howell
Douglas T. Bolling	J. R. Dorman	J. J. Huff
J. C. Bradley	T. H. Dyer	W. N. Hughes
Jno. W. Burkhart	Bernie S. Edlin	Lee Johnson
Chas. W. Burnley	Harry W. Ennis	Paul S. Jonas
C. D. Call	Dr. J. C. Gabbard	Wm. E. Justice
Willis Champion	Chas. B. Gentry	H. Clay Kauffman
J. H. Clarke, Jr.	J. D. Gross	M. Kavanaugh
A. Roy Copeland	R. M. Hall	G. M. Knuckles

J. T. Linton	J. Gip Prather	E. A. Spencer
Homer E. Losey	L. W. Preston	Arthur Stallard
A. L. Love	Kleber F. Price	Geo. W. Steinford
Pearl McKinney	Edw. P. Prichard	Joe Stewart
Ed Marcum	James E. Quill	Thos. M. Swope
Johnston Miller	C. R. Reeves	C. W. Taylor
Harry L. Moore	L. Allen Rhoads	Egbert V. Taylor
Herbert V. Moore	Wade H. Riley	Roy L. Taylor
J. Lee Moore	H. G. Royalty	H. Thieman, Jr.
L. D. Moore	Amos Runyon	Otis C. Thomas
W. B. Moser	Carl Scheben	E. B. Thompson
C. Sid Nabb	F. W. Schuhmann	John L. Trumbo
Jno. C. Newcomb	Vernon Seaton	S. J. Wagner
Joe E. Nunn	Leon J. Shaikun	Harry F. Walters
Chester Peterson	Jno. W. Simmons	R. E. West
Albert W. Pfeiffer	George T. Smith	Taylor Witt
Sylvester Phillips	R. J. Spaulding	—89

Resolved that the title thereof be as aforesaid.

Mr. Quill moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules.

The House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 57. An Act authorizing Commonwealth of Kentucky, Department of Highways to condemn land etc. for public roads and bridges.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) The Commonwealth of Kentucky, Department of Highways, counties and municipalities are hereby given the right to proceed as authorized in KRS 416.120 when condemning land and materials for the construction and improvement of public roads and bridges.

(2) Such procedure shall be an additional and alternative method of condemnation to that now provided in KRS 416.120 to 416.080.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, having been dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	Thos. S. Dawson	Paul S. Jonas
Henry Arrowood	Adron Doran	Wm. E. Justice
F. H. Bassett, Jr.	T. H. Dyer	M. Kavanaugh
W. G. Biggers	Bernie S. Edlin	G. M. Knuckles
Isaac Blevins	Harry W. Ennis	J. T. Linton
Douglas T. Bolling	Dr. J. C. Gabbard	Homer E. Losey
J. C. Bradley	Chas. B. Gentry	A. L. Love
Jno. W. Burkhart	J. D. Gross	Pearl McKinney
Chas. W. Burnley	R. M. Hall	Ed Marcum
C. D. Call	Jas. P. Hallahan	C. C. May
Fred Carpenter	B. C. Holbrook	Johnston Miller
Willis Champion	Benton Howard	Harry L. Moore
J. H. Clarke, Jr.	Clyde S. Howard	Herbert V. Moore
A. Roy Copeland	Jerry F. Howell	J. Lee Moore
Marvin Cornett	J. J. Huff	L. D. Moore
John Henry Cox	W. N. Hughes	W. B. Moser
John P. Craig	Lee Johnson	C. Sid Nabb

Jno. C. Newcomb	L. Allen Rhoads	Geo. W. Steinford
Joe E. Nunn	Wade H. Riley	Thos. M. Swope
H. C. Patterson	H. G. Royalty	C. W. Taylor
Chester Peterson	Amos Runyon	H. Thieman, Jr.
Albert W. Pfeiffer	Carl Scheben	Otis C. Thomas
Sylvester Phillips	F. W. Schuhmann	E. B. Thompson
James T. Philpott	Vernon Seaton	John L. Trumbo
J. Gip Prather	Leon J. Shaikun	S. J. Wagner
L. W. Preston	Jno. W. Simmons	R. E. West
Kleber F. Price	George T. Smith	Taylor Witt
Edw. P. Prichard	R. J. Spaulding	Speaker Harry
James E. Quill	E. A. Spencer	Lee Waterfield
C. R. Reeves	Arthur Stallard	—87

Resolved that the title thereof be as aforesaid.

Mr. Seaton moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, Mr. Quill moved that the Clerk of this House be directed to have printed a sufficient number of copies of a Substitute for a bill entitled:

H. B. 309. An Act relating to motor transportation

Which will be considered by the Committee on Rules.

Said motion was agreed to.

Mr. Quill moved that Captain James Brock of the United States Army Air Corps be extended the privilege of the floor.

Said motion was agreed to.

At the instance of the Committee on Rules,

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 333. An Act to repeal, amend, reenact Section 70.030, Ky. Revised Statutes, 1942 (First Edition), relating to deputy sheriffs.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. Section 70.030, Kentucky Revised Statutes, 1942 (First Edition) be repealed, amended and reenacted, so that when reenacted said Section shall read as follows:

(1) Except as provided in subsections (2) and (3), the sheriff may, with the approval of the county court, appoint his own deputies, and may revoke the appointment at his pleasure. Before any deputy executes the duties of his office he shall take the oath required to be taken by the sheriff.

(2) The sheriff of each county having an assessed value of more than $100,000,000, containing a population of less than 75,000, comprising a separate judicial district, and containing a second class city may appoint such deputies and clerical assistants, subject to the approval of the fiscal court, as are necessary for the proper performance of the duties of his office. The sheriff with the approval of the fiscal court shall fix the salaries of the deputies and clerical assistants, but the salaries of all the deputies and clerical assistants shall not exceed $20,000 in any year. The fiscal court shall pay the annual salaries of the deputies and clerical assistants in monthly installments out of the county treasury.

(3) In each county containing a population of 75,000 or over, the number of deputies allowed to the sheriff and the compensation allowed to each deputy, shall be fixed by an order entered upon the order book of the circuit court and county court, and signed by a majority of the judges of said

courts. A certified copy of the order, and of any subsequent changes therein, shall as soon as entered, be forwarded to the Department of Finance. In counties containing a population of 75,000 or over and up to 200,000, the salary of the chief deputy sheriff shall be fixed at a reasonable amount not exceeding $2,500 per annum, and the salary of each other deputy sheriff shall be fixed at a reasonable amount not exceeding $2,000 per annum. In counties having a population of 200,000 or more, the salary of the chief deputy sheriff shall be fixed at a reasonable amount not exceeding $3,000 per annum, the salary of one deputy sheriff, who shall act as process clerk, shall be fixed at a reasonable amount not to exceed $2,500 per annum, and the salary of each of the other deputy sheriffs shall be fixed at a reasonable amount not exceeding $2,250 per annum.

Mr. Hallohan moved the Previous Question.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, having been dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	Douglas T. Bolling	Fred Carpenter
Henry Arrowood	J. C. Bradley	Willis Champion
F. H. Bassett, Jr.	Jno. W. Burkhart	J. H. Clarke, Jr.
W. G. Biggers	Chas. W. Burnley	A. Roy Copeland
Isaac Blevins	C. D. Call	Marvin Cornett

John Henry Cox	Homer E. Losey	Amos Runyon
John P. Craig	A. L. Love	Carl Scheben
Thos. S. Dawson	Pearl McKinney	F. W. Schuhmann
Adron Doran	Ed Marcum	Vernon Seaton
J. R. Dorman	C. C. May	Leon J. Shaikun
T. H. Dyer	Johnston Miller	Jno. W. Simmons
Bernie S. Edlin	Harry L. Moore	Faust Y. Simpson
Harry W. Ennis	Herbert V. Moore	George T. Smith
Dr. J. C. Gabbard	L. D. Moore	R. J. Spaulding
J. D. Gross	W. B. Moser	E. A. Spencer
R. M. Hall	C. Sid Nabb	Arthur Stallard
Jas. P. Hallahan	Jno. C. Newcomb	Geo. W. Steinford
B. C. Holbrook	Joe E. Nunn	Thos. M. Swope
Benton Howard	H. C. Patterson	C. W. Taylor
Clyde S. Howard	Chester Peterson	Roy L. Taylor
J. J. Huff	Albert W. Pfeiffer	H. Thieman, Jr.
W. N. Hughes	Sylvester Phillips	Otis C. Thomas
Lee Johnson	Kleber F. Price	John L. Trumbo
Paul S. Jonas	James E. Quill	S. J. Wagner
Wm. E. Justice	C. R. Reeves	Harry F. Walters
M. Kavanaugh	L. Allen Rhoads	R. E. West
G. M. Knuckles	Wade H. Riley	Taylor Witt
J. T. Linton	H. G. Royalty	—83

Resolved that the title thereof be as aforesaid.

Mr. Hallahan moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 281. An Act relating to condemned criminals.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 431.240 of the Kentucky Revised Statutes of 1942 is amended and re-enacted, so that when amended said statute shall provide as follows:

(1) Unless the execution is stayed by due process of law or under authority of subsection (2) of this section, the superintendent of the penitentiary or his deputy shall proceed, on the day and at the place named in the judgment of conviction, to cause the condemned person to be electrocuted. The execution shall take place before sunrise on the day designated in the judgment.

(2) If the condemned person is insane or pregnant with child on the day designated for the execution, the execution shall be suspended until the condemned is restored to sanity or is delivered of child. The execution shall then take place under the warrant of the Governor and at the time designated by him, unless stayed by due process of law. If execution is suspended on the ground of insanity, the Commissioner of Welfare may, after an examination as provided in Kentucky Revised Statutes, 202.380, transfer the condemned person to one of the state institutions for the treatment of the mentally afflicted, until such time as he is restored to sanity.

(3) If the condemned person escapes from custody and is recaptured after the expiration of the date fixed for the execution, the Governor, upon receiving written notice of the recapture from the superintendent of the penitentiary, shall send his warrant of execution to the superintendent by special message and shall name therein the day of execution. The superintendent shall then proceed to the execution thereof according to the provisions of KRS 431.220 to 431.270.

Mr. Quill offered the following amendment to said bill, viz.:

Amend H. B. 281 on page 2 following line 26 by inserting the following:

"Whereas there are condemned prisoners now confined in the state penitentiary for whose benefit it is essential that this Act become applicable, an emergency is declared to exist and this Act shall take effect upon its passage and approval by the Governor."

Said amendment was agreed to.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with and the same having been engrossed, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	Thos. S. Dawson	J. J. Huff
Henry Arrowood	Adron Doran	W. N. Hughes
F. H. Bassett, Jr.	J. R. Dorman	W. H. Hunt
Isaac Blevins	T. H. Dyer	Lee Johnson
Douglas T. Bolling	Bernie S. Edlin	Paul S. Jonas
J. C. Bradley	Dr. J. C. Gabbard	Wm. E. Justice
Jno. W. Burkhart	Chas. B. Gentry	H. Clay Kauffman
Chas. W. Burnley	Franklin Goins	G. M. Knuckles
C. D. Call	J. D. Gross	J. T. Linton
Fred Carpenter	R. M. Hall	Homer E. Losey
J. H. Clarke, Jr.	Jas. P. Hallahan	A. L. Love
A. Roy Copeland	B. C. Holbrook	Pearl McKinney
Marvin Cornett	Benton Howard	Ed Marcum
John Henry Cox	Clyde S. Howard	C. C. May
John P. Craig	Jerry F. Howell	Johnston Miller

Harry L. Moore	Edw. P. Prichard	Arthur Stallard
Herbert V Moore	James E. Quill	Geo. W. Steinford
L. D. Moore	C. R. Reeves	Joe Stewart
W. B. Moser	L. Allen Rhoads	Thos. M. Swope
C. Sid Nabb	Wade H. Riley	C. W. Taylor
Coy C. Nevitt	H. G. Royalty	Egbert V. Taylor
Jno. C. Newcomb	Amos Runyon	Roy L. Taylor
Joe E. Nunn	Carl Scheben	H. Thieman, Jr.
Chester Peterson	F. W. Schuhmann	Otis C. Thomas
Albert W. Pfeiffer	Vernon Seaton	John L. Trumbo
Sylvester Phillips	Jno. W. Simmons	S. J. Wagner
J. Gip Prather	Faust Y. Simpson	Harry F. Walters
L. W. Preston	R. J. Spaulding	R. E. West
Kleber F. Price	F A. Spencer	Taylor Witt

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Mr. Quill offered the following amendment to the title of said bill, viz.:

Amend the title to H. B. 281 by adding after the word "criminals" these words: "and declaring an emergency to exist."

Said amendment was agreed to.

Resolved that the title thereof be as amended.

Mr. Quill moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 278. An Act relating to city officials.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 69.560 of the Kentucky Revised Statutes is amended to read as follows:

(1) The legislative body of each city of the fourth class, except those operating under the commission or city manager form of government, as soon as it is organized or as soon thereafter as practicable, and biennially thereafter, may appoint a city attorney, or it may provide by ordinance at least sixty days previous to any election that the city attorney be elected by the qualified voters of the city at the same time and for the same term that the police judge is elected. The city attorney shall hold his office for a term of two years, subject to removal at any time for good cause by the city legislative body.

(2) In each city of the fourth class operating under the commission form of government, a city attorney shall be elected by the qualified voters of the city, at the same time and for the same term and in the same manner that the police judge is elected.

(3) The city attorney must be a resident of the city, at least twenty-four years of age, have been a practicing attorney for at least two years, and a resident of the county for at least six months before his election. The city attorney shall prosecute all pleas of the Commonwealth and all warrants or proceedings instituted for violation of the ordinances or municipal regulations of the city in the police court, attend the meetings of the city legislative body, advise it in all matters of litigation or legal proceedings, and perform any other duties in his department required by the city legislative body. The city legislative body shall fix his compensation by ordinance before his appointment or election.

§ 2. Section 89.040 of the Kentucky Revised Statutes is amended to read as follows:

If the vote at the election held under KRS 89.030 is in favor of the organization and government of the city under the commission form of government, all the present non-elective city officers, in cities of the second and third classes, and the office of members of the city legislative body, in cities of the second, third and fourth classes, shall, at the expiration of the year following the year in which the election is held, be ipso facto abolished. In cities of the second class all of the elective city offices except those of mayor and police judge, and in cities of the fourth class all of the elective city offices except those of mayor, police judge, and city attorney, shall be ipso facto abolished at the expiration of the term of the present officers. In cities of the third class all the elective city offices, except those of mayor, police judge and city prosecuting attorney, shall be ipso facto abolished at the expiration of the year following the year in which the election is held on the question of adopting the commission form of government.

Mr. Swope moved the Previous question.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with, said bill was read the third time by its title only and rejected.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Henry Arrowood	J. J. Huff	Wade H. Riley
F. H. Bassett, Jr.	W. H. Hunt	Jno. W. Simmons
Chas. W. Burnley	Wm. E. Justice	Faust Y. Simpson
Fred Carpenter	M. Kavanaugh	George T. Smith
Marvin Cornett	G. M. Knuckles	R. J. Spaulding
Adron Doran	Ed Marcum	Arthur Stallard
J. R. Dorman	C. C. May	Thos. M. Swope
Chas. B. Gentry	Herbert V. Moore	C. W. Taylor
Claude Hammons	J. Lee Moore	John L. Trumbo
B. C. Holbrook	L. D. Moore	S. J. Wagner
Benton Howard	Coy C. Nevitt	R. E. West
Clyde S. Howard	Joe E. Nunn	
Jerry F. Howell	L. Allen Rhoads	—37

Those who voted in the negative were—

Chas. W. Anderson	Paul S. Jonas	C. R. Reeves
Douglas T. Bolling	J. T. Linton	H. G. Royalty
Jno. W. Burkhart	Homer E. Losey	Amos Runyon
J. H. Clarke, Jr.	A. L. Love	Carl Scheben
John Henry Cox	Pearl McKinney	F. W. Schuhmann
John P. Craig	Harry L. Moore	Leon J. Shaikun
Thos. S. Dawson	H. C. Patterson	E. A. Spencer
T. H. Dyer	Chester Peterson	Roy L. Taylor
Dr. J. C. Gabbard	Albert W. Pfeiffer	H. Thieman, Jr.
Jas. P. Hallahan	Kleber F. Price	E. B. Thompson
W. N. Hughes	Edw. P. Prichard	Harry F. Walters
Lee Johnson	James E. Quill	Taylor Witt
		—36

Mr. Prichard moved that the vote by which said bill was rejected, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules,

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 314. An Act to regulate, control and fix standard weight of wheat flour, label and size of containers of same.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 363.070 of the Kentucky Revised Statutes is amended to read as follows:

(1) The standard measure of wheat flour shall be containers of net avoirdupois weights of two (2), five (5), ten (10) twenty five (25), fifty (50) and one hundred (100) pounds. The term "wheat flour" as used herein means: plain wheat flour, self-rising wheat flour, phosphated wheat flour, bromated wheat flour, enriched wheat flour, enriched self-rising wheat flour and enriched phosphated wheat flour as defined in the standards of identity promulgated by the Federal Security Agency under date of May 26, 1941 (Volume 6, Federal Register, pages 2574 to 2582 inclusive) or as they may be amended.

(2) Each container shall have its net weight, and the name and address of the actual manufacturer printed or plainly marked on it in letters and figures clearly legible.

(3) No person shall pack for sale, sell or offer for sale in Kentucky any wheat flour except in containers of the above standard net weights and above described labeling provisions.

(4) The provisions of this section do not apply to the retailing of flour direct from the manufacturer to the consumer, nor to the sale of flour to the bakery trade, nor to

the exchanging of wheat for flour, nor to flour packed in cartons the net contents of which are five (5) pounds or less.

§ 2. This Amendment shall take effect six (6) months after the expiration of the National Emergency which was declared to exist by proclamation of the President of the United States on May 27th, 1941.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, having been dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	T. H. Dyer	M. Kavanaugh
Henry Arrowood	Bernie S. Edlin	G. M. Knuckles
F. H. Bassett, Jr.	Dr. J. C. Gabbard	J. T. Linton
W. G. Biggers	Chas. B. Gentry	Homer E. Losey
Isaac Blevins	J. D. Gross	A. L. Love
Douglas T. Bolling	R. M. Hall	Pearl McKinney
J. C. Bradley	Jas. P. Hallahan	C. C. May
Jno. W. Burkhart	Claude Hammons	Johnston Miller
Chas. W. Burnley	B. C. Holbrook	Harry L. Moore
C. D. Call	Benton Howard	Herbert V. Moore
Fred Carpenter	Clyde S. Howard	J. Lee Moore
J. H. Clarke, Jr.	Jerry F. Howell	L. D. Moore
A. Roy Copeland	J. J. Huff	W. B. Moser
Marvin Cornett	W. N. Hughes	C. Sid Nabb
John Henry Cox	W. H. Hunt	Coy C. Nevitt
John P. Craig	Lee Johnson	Jno. C. Newcomb
Thos. S. Dawson	Paul S. Jonas	Joe E. Nunn
Adron Doran	Wm. E. Justice	H. C. Patterson
J. R. Dorman	H. Clay Kauffman	Chester Peterson

Albert W. Pfeiffer	F. W. Schuhmann	Thos. M. Swope
Sylvester Phillips	Vernon Seaton	C. W. Taylor
J. Gip Prather	Leon J. Shaikun	Egbert V. Taylor
L. W. Preston	Jno. W. Simmons	H. Thieman, Jr.
James E. Quill	Faust Y. Simpson	Otis C. Thomas
C. R. Reeves	R. J. Spaulding	E. B. Thompson
L. Allen Rhoads	E. A. Spencer	John L. Trumbo
Wade H. Riley	Arthur Stallard	Harry F. Walters
Amos Runyon	Geo. W. Steinford	R. E. West
Carl Scheben	Joe Stewart	Taylor Witt

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Resolved that the title thereof be as aforesaid.

Mr. Walters moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 252. An Act relating to the creation, establishment, operation and maintenance of fire protection districts.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1: This Act shall apply to any municipal corporation, that part of any county lying outside of any municipal corporation located therein, and/or any fire protection district created under this Act.

Section 2: Upon a petition signed by at least fifty-one per cent. (51%) of the voters, as determined by the registration books covering such territory, and living within the boundary of a proposed fire protection district filed in the

Circuit Court Clerk's office of the County in which the greater part of such territory is located, not less than twenty days before the commencement of the next regular term of said Court, and in Courts of continuous sessions not less than twenty days before the first day of the next calendar month, notice of the filing of such petition and the object thereof having been published in two issues of some newspaper of general circulation in the county, and by notices posted for at least ten days before the commencement of the said Court, one at the Court House door, and three others at public places within the bounds of the proposed fire protection district, the petition setting out the metes and bounds of the proposed fire protection district, the number of voters thereof, and such other facts as may be thought proper, on the second day of the term, and in courts of continuous session on the day provided for in such notice, the Court shall, if the proper notice has been given, and publication made, and no written objection, remonstrance or defense is interposed, enter a judgment establishing a fire protection district in accordance with the prayer of the petition, naming it, and describing the boundary thereof by metes and bounds. Defense, objection or remonstrance may be made to the petition by any inhabitant of the proposed fire protection district, or any person owning property therein, and if defense, objection or remonstrance is made, the Court shall hear and determine the same, and render a judgment establishing or refusing to establish the fire protection district as may seem proper. The pleadings and practice as herein provided shall be the same as in equity cases, as nearly as may be practicable, with right of appeal to the Court of Appeals within sixty days. Such appeal shall be advanced upon the docket.

In no event shall any fire protection district include within its metes and bounds any territory at that time or thereafter included in any city of this Commonwealth.

Section 3: The territorial limits of an established fire protection district, as established under this Act, may be en-

larged or diminished in the following way: The fire protection district trustees shall file a petition in the Circuit Court Clerk's Office of the county in which that district and the territory to be annexed or stricken off, or the greater part thereof, is located, not less than thirty days before the next regular term of said Court, and in courts of continuous session not less than thirty days before the first day of a succeeding calendar month, describing the territory to be annexed or stricken and setting out the reasons therefor. Notice of the filing of such petition shall be given by publication and posting in the same manner as provided for in Section 2 of this Act. On the second day of the term the Court shall, and in the court of continuous session on the day fixed in said notice, if the proper notice has been given, and publication made, and no written defense, objection or remonstrance is interposed, enter a judgment annexing or striking off the territory described in the petition. Fifty-one per cent (51%) or more of the freeholders of the territory sought to be annexed or stricken off may, at any time before ten days prior to the next regular term of said Court, and in courts of continuous session at any time before ten days prior to the date fixed in said notice remonstrate in writing, filed in said Clerk's office, to the action proposed. If such written remonstrance be filed said Clerk shall promptly give notice to the trustees of the fire protection district, and the Court shall promptly set the case for a hearing. If, upon such hearing, the Court finds from the evidence that a failure to annex or strike off such territory will materially retard the functioning of the fire protection district and materially affect adversely the owners and inhabitants of the territory sought to be annexed or stricken off, it shall enter a judgment granting the annexation or striking off of the territory. In the latter event, no new petition to annex or strike off all or any part of the same territory shall be entertained for a period of two years. The pleadings and practice herein provided shall be the same as in equity cases, as nearly as may be practicable, with right of

appeal to the Court of Appeals within sixty days. Such appeal shall be advanced upon the docket.

The property in any territory annexed to a fire protection district shall not be liable to taxation for the purpose of paying any indebtedness incurred by the fire protection district prior to the date of the annexation of such territory, except such indebtedness as represents balance owing on purchase price of fire fighting equipment. The property in any territory stricken off from a fire protection district shall not be relieved of liability of such taxes as may be necessary to pay its proportionate share of the indebtedness incurred while such territory was a part of that district, except such indebtedness as represents balance owing on purchase price of fire fighting equipment then available for use by the remaining territory.

Section 4: Upon the creation of a fire protection district as herein provided, it shall be the duty of the County Judge to call an election in such district, which election shall be held within the district not later than thirty days after final judgment creating the district is entered, and thereafter an election shall be held on the first Saturday in May of each year. At such election, all registered voters, as determined by the registration books covering such territory, and no other, shall be eligible to vote. At such elections three fire protection district trustees shall be elected, who shall be resident taxpayers and voters of the fire protection district. The first trustees elected shall hold office as follows: The candidate receiving the highest number of votes shall be elected for a term of three years, the candidate receiving the second highest number of votes shall be elected for a term of two years, and the candidate receiving the third highest number of votes shall be elected for a term of one year. In case of a tie, the length of the terms of the candidates shall be determined by lot. On the expiration of the respective terms of offices aforesaid the successor of the trustees whose term is expired shall be elected for a

term of three years. In the event of a vacancy in any term caused by death or otherwise, and there are two remaining trustees, the remaining trustees shall elect a trustee to fill out the unexpired term caused by such vacancy. If there are less than two trustees remaining the County Judge shall fill the vacancies. All trustees shall hold office for the terms of their election and until their successors are elected and qualified.

Such persons as are delegated by the County Judge for that purpose shall preside at the election in each fire protection district. Said election shall be held on the day designated by the County Judge at such places in the district selected by the County Judge, and shall be by printed ballot, the polls to be open from 6:00 A. M. to 4:00 P. M. The County Judge shall make regulation for the tabulation of the ballots, such tabulation to be held immediately upon the close of the polls, at the place designated by the County Judge. All expenses incident to said election, including the providing and printing of ballots, shall be paid out of the funds of the district.

Such trustees shall elect from their number a Chairman and a Secretary and Treasurer, the latter of whom shall give bond in such amount as shall be determined by the County Judge of the County in which the fire protection district is located, conditioned upon the faithful discharge of the duties of his office, and the faithful accounting for all funds which may come into his possession as such Treasurer. The premiums on such bonds shall be paid out of the funds of the district.

Section 5: Upon the creation of a fire protection district as herein provided, the trustees of such district are hereby authorized to establish and operate a fire department in such district and to levy a tax upon the property in said district, subject to county tax, and not exceeding ten cents per $100.00 of valuation as assessed for county taxes, for the purpose of defraying the expenses of such establishment, maintenance,

and operation of said fire department, or to make contracts for fire protection for such district as hereinafter provided. After the tax has been levied as herein provided, such trustees shall certify the same to the Sheriff of the county in which the fire protection district is located, who shall collect such tax when and as the county taxes are collected by him. Any delinquent fire protection district taxes shall bear the same interest and penalties as do delinquent county taxes.

Section 6: Any fire protection district created as herein provided or any municipal corporation which is not providing protection from fire for all persons and property within its boundaries as now or hereafter may be provided by law is hereby authorized to contract to receive such protection from one or more municipal corporations authorized to furnish or give such fire protection as provided by Kentucky Revised Statutes, Section 95.830, or from fire protection districts wherein fire departments are maintained and operated, and the Fiscal Courts of all counties are expressly authorized to provide by contract with municipal corporations or fire protection districts for fire protection for all public buildings owned or maintained by the county or by any public agency supported in whole or in part by county taxation and located in such county outside of any incorporated municipality.

Section 7: All municipal or fire protection district fireman, full-paid or volunteer, attending and serving at fires or doing fire prevention work outside the corporate limits of a municipality or the limits of fire protection districts as hereinabove provided shall be considered as serving in their regular line of duty as fully as if they were serving within the corporate limits of their own municipality or fire protection district, but full-paid firemen shall receive no additional compensation and volunteer firemen shall receive only such compensation as may be provided for by ordinance or resolution in such cases, and all such firemen shall be entitled to all benefits of any pension fund, in the same manner as if the

fire-fighting or fire prevention work had been within the corporate limits of the municipality or fire protection district.

Section 8: A municipal or fire protection district fire department answering any fire alarms or performing fire prevention services outside of the corporate limits of its municipality or fire protection district shall be considered an agent of the Commonwealth of Kentucky, and acting solely and alone in a governmental capacity, and such municipality or fire protection district shall not be liable in damages for any omission or act of commission or negligence while answering or returning from any fire or reported fire, or doing or performing any fire prevention work under and by virtue of the foregoing sections hereof.

Section 9: The trustees of any fire protection district wherein water pipes have been constructed and are maintained in the public ways thereof may by resolution duly adopted cause the erection of fire hydrants and attachments to said water pipes in the public ways, after the trustees have made a written contract for water to be furnished for use in said hydrants. The cost of such erection and attachment shall be apportioned by said trustees against the owners of the property fronting the public ways in which said fire hydrants are erected, by any equitable mode of apportionment which said board of trustees may prescribe in the resolution ordering the erection of said fire hydrants and a lien shall exist against the property against which the apportionment runs for the cost of such improvement in the amount of such apportionment and interest thereon at the rate of six per cent per annum, said lien being enforceable by proceedings in Court. The erection and installation of such fire hydrants shall be under contract let to the lowest and best bidder after advertisement of one insertion for two successive weeks in a newspaper of general circulation in the fire protection district.

Section 10: Should any section, sub-section, paragraph, sentence, clause, or phrase, of this act be declared unconstitutional or invalid, for any reason, the remainder of this act shall not be affected thereby.

Mr. Dawson offered the following amendments to said bill, viz.:

1. Amend H. B. 252 on page 1, section 1, lines 1 to 3 by striking all of section 1.

2. Amend H. B. 252 on page 3, section 3, lines 12 to 22 by striking the sentences beginning in line 12 and ending in line 22 and inserting in lieu thereof the following:

"On the second day of the term, and in courts of continuous session on the day fixed in the notice, the court shall, if the proper notice has been given, and publication made, and no written defense, objection or reminstrance is interposed, enter a judgment annexing or striking off the territory described in the petition. Fifty-one percent (51%) or more of the freeholders of the territory sought to be annexed or stricken off may, at any time before the next regular term of said court, and in courts of continuous session at any time before the date fixed in the notice, remonstrate in writing, filed in the clerk's office, to the action proposed.

3. Amend H. B. 252 on page 6, section 5, line 13 by adding at the end of line 13 the following:

"For the collection of the tax the sheriff shall be entitled to a commission of one percent of the amount collected."

Said amendments were each and severally agreed to.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with and the same having been engrossed, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	Clyde S. Howard	L. W. Preston
Henry Arrowood	Jerry F. Howell	Kleber F. Price
F. H. Bassett, Jr.	J. J. Huff	James E. Quill
W. G. Biggers	W. N. Hughes	L. Allen Rhoads
Isaac Blevins	W. H. Hunt	Wade H. Riley
Douglas T. Bolling	Lee Johnson	H. G. Royalty
J. C. Bradley	Paul S. Jonas	Amos Runyon
Jno. W. Burkhart	Wm. E. Justice	Carl Scheben
C. D. Call	H. Clay Kauffman	F. W. Schuhmann
Fred Carpenter	G. M. Knuckles	Vernon Seaton
Willis Champion	J. T. Linton	Leon J. Shaikun
A. Roy Copeland	Homer E. Losey	Jno. W. Simmons
Marvin Cornett	A. L. Love	Faust Y. Simpson
John Henry Cox	Pearl McKinney	George T. Smith
John P. Craig	C. C. May	R. J. Spaulding
Thos. S. Dawson	Johnston Miller	E. A. Spencer
Adron Doran	Harry L. Moore	Arthur Stallard
J. R. Dorman	Herbert V. Moore	Geo. W. Steinford
T. H. Dyer	J. Lee Moore	Joe Stewart
Bernie S. Edlin	L. D. Moore	Thos. M. Swope
Dr. J. C. Gabbard	W. B. Moser	C. W. Taylor
Chas. B. Gentry	C. Sid Nabb	Egbert V. Taylor
J. D. Gross	Joe E. Nunn	H. Thieman, Jr.
R. M. Hall	H. C. Patterson	Otis C. Thomas
Jas. P. Hallahan	Chester Peterson	Harry F. Walters
Claude Hammons	Albert W. Pfeiffer	R. E. West
B. C. Holbrook	Sylvester Phillips	Taylor Witt
Benton Howard	J. Gip Prather	—83

Mr. Dawson offered the following amendment to the title of said bill, viz.:

Amend the title to H. B. 252 by striking the title and inserting in lieu thereof the following title: "An Act relating to fire protection."

Said amendment was agreed to.

Resolved that the title thereof be as amended.

Mr. Dawson moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules,

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 301. An Act requiring the enrichment of bread and flour by addition of certain vitamins and minerals to prescribe the methods of enrichment; and to fix penalties for violation of same.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. As used in this Act, unless the context otherwise requires:

(a) The term "flour" includes and shall be limited to the foods defined as (1) flour, white flour, wheat flour, plain flour, (2) bromated flour, (3) self-rising flour, self-rising white flour, self-rising wheat flour, and (4) phosphated flour, phosphated white flour and phosphated wheat flour, in the definitions and standards of identity promulgated by the Federal Security Agency under date of May 26, 1941

(Volume 6, Federal Register, pages 2574 to 2582 inclusive), or as they may be amended, but does not include special flours not used for bread, roll, bun or biscuit baking, such as specialty cake, pancake and pastry flours.

(b) The term "enriched", as applied to flour, means the addition to flour of the vitamins and other nutritional ingredients necessary to make it conform to the definition and standard of identity of enriched flour, enriched bromated flour, or enriched self-rising flour, as the case may be, as fixed and established by order of the Federal Security Agency on July 1, 1943 (Vol. 8 Federal Register pages 9115-9116) or as the same may be from time to time amended or modified.

(c) The term "bread" includes and shall be limited to the foods commonly known and described as white bread, white rolls and white buns.

(d) The term "Department" means the Department of Health.

SECTION 2. No person shall manufacture, mix, compound, sell or offer for sale in this State, for human consumption, any flour unless the same is enriched. This prohibition shall not apply to flour sold to bakers or other commercial secondary processors if, prior to or simultaneously with delivery, the purchaser furnishes to the seller a certificate of intent in such form as the Department shall by regulation prescribe certifying that such flour will be used only in the production of flour or bread enriched to meet the requirements of this Act or in the manufacture of products other than as stated in the certificate.

SECTION 3. No person shall manufacture, bake, sell or offer for sale, in this State, for human consumption, any bread unless the same contains the vitamins and other ingredients necessary to make it conform to the definition and standard of identity, then in effect, of enriched bread or

enriched white bread, as fixed and established by order of the Federal Security Agency, or other appropriate federal agency or officer, pursuant to the provisions of the Federal Food, Drug and Cosmetic Act. If, during any period, no such order of any such Federal agency or officer fixing and establishing a definition and standard of identity for enriched bread is in effect, no person during any such period shall manufacture, bake, sell or offer for sale in this State, for human consumption, any bread unless the flour used therein has been enriched, or, to the extent that flour is used therein, there is added, in the mixing of the dough, vitamins and other nutritional ingredients sufficient to enrich the bread to the levels that would have obtained if such flour had been enriched.

SECTION 4. No person shall sell or offer for sale, in this State, for human consumption, any flour or wrapped bread meeting the requirements of Sections 2 and 3 of this Act which fails to conform to the labeling requirements of the Federal Food, Drug and Cosmetic Act, and the regulations promulgated thereunder, with respect to such product when introduced in interstate commerce.

SECTION 5. (a) The Department shall inforce the provisions of this Act, and shall make, amend, or rescind rules, regulations, and orders for the efficient enforcement of this Act.

(b) In the event of a finding by the Department that there is an existing or imminent shortage of any ingredient required by Sections 2 or 3 of this Act, and that because of such shortage the sale and distribution of flour or bread may be substantially impeded by the enforcement of this Act, the Department shall issue an order, to be effective immediately upon issuance, permitting the omission of such ingredient from flour and bread, and, if the Department finds it necessary or appropriate, excepting such foods from the

labeling requirements imposed by this Act, all until the further order of the Department. Whenever the Department finds that such shortage no longer exists, it shall issue an order to become effective not less than thirty (30) days after publication thereof, revoking such previous order. Undisposed flour stocks of flour on hand at the effective date of such revocation order, or flour manufactured prior to such effective date for sale in this State, which could be lawfully sold in this State except for such revocation order, may be lawfully sold and disposed of subsequent to the effective date of such revocation order. Any such finding as to the existence or imminence of any such shortage, or the cessation thereof, may be made by the Department without any hearing, on the basis of an order of, or factual information supplied by the appropriate federal agency or officer. In the absence of any such order or factual information, the Department on its own motion may, and, upon receiving the sworn statement of any person subject to this Act that such a shortage exists or is imminent or has ceased, shall, within twenty (20) days thereafter, hold a public hearing with respect thereto, at which any interested person may present evidence, and any such finding by the Department may be based upon the evidence so presented. The Department shall publish notice of any hearing at least ten (10) days prior thereto.

(c) All orders, rules, and regulations adopted by the Department pursuant to this Act shall be published in the manner hereinafter prescribed, and, within the limits specified by this Act, shall become effective upon such date as the Department shall fix.

(d) Whenever under this Act publication of any notice, order, rule or regulation is required, such publication shall be made at least once in at least one daily newspaper of general circulation printed and published in this State.

(e) The Department is authorized to take samples for analysis and to conduct examinations and investigations for the purposes of this Act, through any officers or employees of the Department; and all such officers and employees shall have authority to enter, at reasonable times, any factory, mill, warehouse, shop or establishment where flour or bread are manufactured, processed, packed, sold, or held, or any vehicle being used for the transportation thereof, and to inspect any such place or vehicle and any flour or bread therein, and all pertinent equipment, materials, containers and labeling.

SECTION 6. Any person who violates any of the provisions of this Act, or the orders, rules or regulations promulgated by the Department under authority thereof, shall, for each offense, be fined not more than one hundred dollars, or imprisoned for not more than thirty days, or both.

SECTION 7. This Act shall take effect six months after the expiration of the National Emergency which was declared to exist by proclamation of the President of the United States on May 27, 1941.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, having been dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisons of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	Douglas T. Bolling	C. D. Call
Henry Arrowood	J. C. Bradley	Fred Carpenter
F. H. Bassett, Jr.	Jno. W. Burkhart	Willis Champion
W. G. Biggers	Chas. W. Burnley	J. H. Clarke, Jr.

A. Roy Copeland	G. M. Knuckles	H. G. Royalty
John P. Craig	J. T. Linton	Amos Runyon
Thos. S. Dawson	Homer E. Losey	Carl Scheben
Adron Doran	Pearl McKinney	F. W. Schuhmann
J. R. Dorman	Johnston Miller	Vernon Seaton
Bernie S. Edlin	Harry L. Moore	Jno. W. Simmons
Dr. J. C. Gabbard	Herbert V. Moore	Faust Y. Simpson
J. D. Gross	J. Lee Moore	R. J. Spaulding
R. M. Hall	L. D. Moore	E. A. Spencer
Jas. P. Hallahan	W. B. Moser	Arthur Stallard
Claude Hammons	C. Sid Nabb	Geo. W. Steinford
B. C. Holbrook	Jno. C. Newcomb	Thos. M. Swope
Benton Howard	Joe E. Nunn	C. W. Taylor
Clyde S. Howard	H. C. Patterson	Egbert V. Taylor
Jerry F. Howell	Chester Peterson	Roy L. Taylor
J. J. Huff	Albert W. Pfeiffer	H. Thieman, Jr.
W. N. Hughes	Sylvester Phillips	Otis C. Thomas
W. H. Hunt	J. Gip Prather	E. B. Thompson
Lee Johnson	Edw. P. Prichard	John L. Trumbo
Paul S. Jonas	James E. Quill	S. J. Wagner
Wm. E. Justice	C. R. Reeves	Harry F. Walters
H. Clay Kauffman	L. Allen Rhoads	R. E. West
M. Kavanaugh	Wade H. Riley	Taylor Witt

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Those who voted in the negative were—

Isaac Blevins A. L. Love Coy C. Nevitt —3

Resolved that the title thereof be as aforesaid.

Mr. Walters moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Quill moved that the House do now recess for fifteen minutes.

Said motion was agreed to.

And then the House recessed.

Fifteen minutes having expired, the Speaker resumed the Chair and called the House to order.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 213. An Act relating to local health units.

With a Committee amendment thereto.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. In any county containing a city of the second class the fiscal court of the county and the legislative body of the city of the second class may, by joint action, establish a city-county health department. The department, when established, shall be governed by a city-county board of health, which shall consist of the chief executive officer of the city of the second class, the county judge, and five persons appointed by joint action of the chief executive officer and county judge. Not more than three of the appointed members may be physicians. The appointed members shall serve for terms of four years, except that the first members appointed shall be so appointed that the term of one member shall be for one year, the terms of two members for two years, and the terms of two members for three years. Each appointed member shall receive the sum of five dollars for each meeting of the board he attends, which shall be paid out of the funds of the department. Vacancies in the appointed memberships shall be filled by appointment by the chief executive officer of the city and the county judge.

§ 2. The expense of creating and establishing the city-county department of health shall be paid by the city of the second class and by the county in such proportion as may be agreed upon between the city legislative body and fiscal court at the time of establishing the department. After the department has been established the annual expense of maintenance shall be borne in the same proportion, or as may be agreed upon between the city legislative body and fiscal court, and the city legislative body and fiscal court shall each make an annual levy sufficient to produce the necessary amount.

§ 3. The city-county board of health may appoint a health officer, who shall serve for a term of four years, subject to removal for cause, and may employ such assistant health officers and other employees as are necessary for the work of the department. The compensation of the health officer, assistant health officer and other employes shall be fixed by the board, subject to the approval of the city legislative body and fiscal court. The health officer must have the qualifications set forth in subsection (2) of KRS 212.180.

§ 4. The city-county board of health and department of health shall have such powers, duties and privileges as are given by law to county boards and departments of health.

§ 5. The health officer appointed by the city-county board of health shall have such powers and duties as are vested by law in health officers of county departments of health.

§ 6. Upon the establishment of a city-county department of health under this Act, the property of the city board of health of the city of the second class and the property of the county board or department of health shall be transferred to the city-county department, and the city-county

board of health shall assume control of any institutions formerly under the control of the city or county board or department of health.

§ 7. The city-county department of health shall have jurisdiction over the entire county, including all cities within the county.

§ 8. Any city-county department of health established under this Act shall be entitled to the same state aid as is provided for county and district health departments under KRS 212.120, upon notice of the establishment of the department being given to the State Board of Health as provided in KRS 212.120.

Said Committee Amendment is as follows, viz.:

Amend H. B. 213 on page 1, section 1, lines 4 to 16 by striking all of lines 4 to 16, inclusive, and inserting in lieu thereof the following:

"The department when established shall be governed by a city-county board of health composed of five members, one of whom shall be either the mayor or city manager of the city, whichever is appointed by the city legislative body, one of whom shall be the county judge, and three of whom shall be physicians appointed in like manner as physician members are appointed on county boards of health and to hold office as provided in KRS 212.020."

Said amendment was agreed to.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with, and the

same having been engrossed, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisons of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	B. C. Holbrook	James T. Philpott
Henry Arrowood	Benton Howard	Kleber F. Price
F. H. Bassett, Jr.	Jerry F. Howell	Edw. P. Prichard
W. G. Biggers	J. J. Huff	James E. Quill
Isaac Blevins	W. N. Hughes	C. R. Reeves
J. C. Bradley	W. H. Hunt	L. Allen Rhoads
Jno. W. Burkhart	Lee Johnson	H. G. Royalty
Chas. W. Burnley	Paul S. Jonas	Amos Runyon
C. D. Call	Wm. E. Justice	Carl Scheben
Fred Carpenter	G. M. Knuckles	F. W. Schuhmann
Willis Champion	J. T. Linton	Vernon Seaton
J. H. Clarke, Jr.	Homer E. Losey	Jno. W. Simmons
A. Roy Copeland	A. L. Love	Faust Y. Simpson
Marvin Cornett	Pearl McKinney	R. J. Spaulding
John Henry Cox	Johnston Miller	Arthur Stallard
Thos. S. Dawson	Harry L. Moore	Geo. W. Steinford
Adron Doran	Herbert V. Moore	C. W. Taylor
J. R. Dorman	L. D. Moore	Egbert V. Taylor
T. H. Dyer	W. B. Moser	H. Thieman, Jr.
Bernie S. Edlin	C. Sid Nabb	Otis C. Thomas
Dr. J. C. Gabbard	Coy C. Nevitt	E. B. Thompson
Chas. B. Gentry	Joe E. Nunn	John L. Trumbo
J. D. Gross	H. C. Patterson	S. J. Wagner
R. M. Hall	Chester Peterson	Harry F. Walters
Jas. P. Hallahan	Albert W. Pfeiffer	R. E. West
Claude Hammons	Sylvester Phillips	Taylor Witt

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Resolved that the title thereof be as aforesaid.

Mr. Scheben moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Quill moved that the Clerk be directed to have printed a sufficient number of copies of a Substitute for a bill entitled:

H. B. 308. An Act relating to motor vehicles.

To be considered by the Committee on Rules.

Said motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 335. An Act relating to the adoption of school textbooks.

With a Committee Amendment thereto.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 156.310 of the Kentucky Revised Statutes is amended to read as follows:

(1) The State Textbook Commission shall, not later than March 1 in any adoption year, select and publish a list of ten books in each subject, taking into account the needs of the various types of school organizations. One of the books for each subject and grade so listed shall be the one on the uniform list for county school districts as provided in KRS 156.320. Not more than two books for any subject and grade shall be from the same person. If

less than ten books in any subject and grade of sufficient merit to warrant their being listed are submitted, the commission may list fewer than ten, but in that event it shall not list more than one book for the same subject and grade from the same person. The list as soon as prepared shall be sent to the chief administrative officer of the various school units of the state.

(2) The board of education of each independent school unit embracing a city of the first, second, third or fourth class, or of an independent school district having the population of or in excess of the population of a fourth class city, shall, upon the recommendation of its superintendent, and not later than May 1 of any adoption year, select from the list one book for each subject and grade to be used as a basal text in its school system for a period of five years, except that the board may, upon the recommendation of its superintendent and by a majority vote of the entire board, adopt a basal text or the complete series of basal texts from the uniform list adopted for use in county school districts, as provided in KRS 156.320.

(3) The list of books prepared by the State Textbook Commission shall remain unchanged for a period of five years, and not more than 33 1/3% of the list of books currently in use shall be changed at any one adoption period. The adoption periods shall commence in 1930.

§ 2. Section 156.320 of the Kentucky Revised Statutes is amended to read as follows:

The State Textbook Commission shall, not later than March 1 in any adoption year, adopt a uniform series of system of basal textbooks for use in the public schools of the county school districts and of those independent school districts not coming within the provisions of KRS 156.310. The commission shall cause the list to be printed and send

the list to the administrative officer of each school unit of the state. In making the adoption of basal textbooks, the commission shall designate the subject and grade for which the adopted book is intended, and not more than one book shall be adopted for use in any one subject and grade. The adoption shall be made for a period of five years, beginning with 1930. A county board of education of a county maintaining a school term of at least nine months, upon the recommendation of its superintendent and a majority vote of the entire board, may select basal textbooks to be used in the county school district from the list adopted and approved for city school districts under KRS 156.310.

§ 3. Section 156.330 of the Kentucky Revised Statutes is amended to read as follows:

No textbook shall be used in any public school in Kentucky as a basal textbook unless it has been approved and adopted by the State Textbook Commission, or approved by the State Textbook Commission and adopted by the board of education having jurisdiction over the school district, in the manner provided in KRS 156.260 to 156.320. A change of a textbook made by the State Textbook Commission or by the board of education of an independent school district of any of the classes described in subsection (2) of KRS 156.310 shall not become effective until grades or classes of respective school districts of counties or cities have completed work for which the adopted book then in use was originally intended. Nothing in this section shall apply to the supplementary books that are needed from time to time.

§ 4. Whereas, adoption of textbooks for the next adoption period must be made before May 1, 1944, an emergency is declared to exist and this Act shall take effect upon its passage and approval by the Governor.

Said Committee amendment is as follows, viz:

Amend H. B. 335. by striking out all of section 4.

Said amendment was then agreed to.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with and the same being engrossed, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

Henry Arrowood	Dr. J. C. Gabbard	W. B. Moser
F. H. Bassett, Jr.	J. D. Gross	C. Sid Nabb
W. G. Biggers	Jas. P. Hallahan	Jno. C. Newcomb
Isaac Blevins	B. C. Holbrook	Joe E. Nunn
Douglas T. Bolling	Benton Howard	Chester Peterson
J. C. Bradley	Clyde S. Howard	Albert W. Pfeiffer
Jno. M. Burkhart	Jerry F. Howell	Sylvester Phillips
Chas. W. Burnley	W. N. Hughes	J. Gip Prather
C. D. Call	Lee Johnson	L. W. Preston
Fred Carpenter	Paul S. Jonas	Kleber F. Price
Willis Champion	Wm. E. Justice	Edw. F. Prichard
J. H. Clarke, Jr.	M. Kavanaugh	James E. Quill
A. Roy Copeland	G. M. Knuckles	C. R. Reeves
Marvin Cornett	J. T. Linton	L. Allen Rhoads
John Henry Cox	Homer E. Losey	Wade H. Riley
John P. Craig	A. L. Love	H. G. Royalty
Thos. S. Dawson	Pearl McKinney	Amos Runyon
Adron Doran	C. C. May	Carl Scheben
J. R. Dorman	Johnston Miller	F. W. Schuhmann
T. H. Dyer	Harry L. Moore	Vernon Seaton
Bernie S. Edlin	Herbert V. Moore	Jno. W. Simmons

George T. Smith	Thos. M. Swope	John L. Trumbo
R. J. Spaulding	C. W. Taylor	R. E. West
E. A. Spencer	Egbert V. Taylor	Taylor Witt
Geo. W. Steinford	H. Thieman, Jr.	
Joe Stewart	E. B. Thompson	—76

Resolved that the title thereof be as aforesaid.

Mr. Quill moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 306. An Act relating to publication of financial statements of the governmental units, amending Section 61.290, repealing Sections 92,390, 68.070, 87.220 and 84.120 and repealing Sub-sections (1) and (3) of Section 89.270 of the Kentucky Revised Statutes.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 61.290 of the Kentucky Revised Statutes is amended to read as follows:

(1) Except in counties containing a city of the first class and cities required by law to publish an annual audit of their financial affairs, of the kind and character contemplated by this section, every public officer of any county, graded school district, city or subdivision or district less than a county, whose duty it is to collect, receive, have the custody, control or disbursement of public funds, shall at the expiration of each fiscal year prepare an itemized, sworn statement of the funds collected, received, held or disbursed by him during the

fiscal year just closed. The statement shall show the amount of public funds collected and received, from what sources received, the amount disbursed, the date of each disbursement, for what purpose expended, and to whom paid; provided, however, that only the total of the amounts paid as salary during the fiscal year to each official or employee of the governmental unit shall be shown in the statement. The officer shall procure and include in or attach to the report as a part thereof a certificate from the cashier or other proper officer of the banks in which the funds are or have been deposited during the past year, showing the balance if any, of public funds to the credit of the officer making the statement. The officer shall, within sixty days after the close of the fiscal year, cause the statement or the complete audit report, which shall include all the information required for the statement herein provided for, to be published in full in the newspaper published in the county that has the largest bonafide circulation in the governmental unit or district for which the statement is published, and shall file a written or printed copy of the statement or audit report and a copy of the published statement or audit report, subscribed and sworn to, in the office of the county clerk of the county in which the officer holds office.

The fiscal court of each county not containing a city of the first class shall cause to be published annually in the newspaper published in the county that has the largest bona fide circulation therein a statement showing the names of all persons returned by the sheriff on his return of tax warrants, and the amount due from each for the preceding year, with such other information as the fiscal court deems proper to be published, within 30 days after the return has been filed.

(2) All newspaper publications or advertisements required by this section and all newspaper publications or advertisements required by other laws shall be published in the newspaper published in the county which has the largest

bona fide circulation in the governmental unit or district for which the publication or advertisement is required. The publications or advertisements shall be made in the size of type provided by law and at the rate provided by law, and paid for out of the funds in the hands of the officer making the publication or advertisement. If no newspaper is published in the county, the officer charged with having the publication or advertisement made shall determine how same shall be made.

(3) Any public officer who fails, refuses or neglects to comply with the provisions of this section shall be fined not less than fifty nor more than five hundred dollars. The fine shall be paid into the treasury of the county, city or other governmental unit in which the convicted officer holds office.

Section 2. Sections 92.390, 68.070, 87.220 and 84.120 of the Kentucky Revised Statutes are hereby repealed, and Subsections (1) and (3) of Section 89.270 of the Kentucky Revised Statutes are repealed.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, having been dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Henry Arrowood	A. Roy Copeland	T. H. Dyer
F. H. Bassett, Jr.	Marvin Cornett	Bernie S. Edlin
Isaac Blevins	John Henry Cox	Dr. J. C. Gabbard
J. C. Bradley	John P. Craig	Chas. B. Gentry
Jno. W. Burkhart	Thos. S. Dawson	J. D. Gross
Chas. W. Burnley	Adron Doran	Jas. P. Hallahan
C. D. Call	J. R. Dorman	Claude Hammons

B. C. Holbrook	Herbert V. Moore	Vernon Seaton
Benton Howard	W. B. Moser	Jno. W. Simmons
Clyde S. Howard	C. Sid Nabb	Faust Y. Simpson
W. N. Hughes	H. C. Patterson	George T. Smith
W. H. Hunt	Chester Peterson	Arthur Stallard
Lee Johnson	Albert W. Pfeiffer	Geo. W. Steinford
Paul S. Jonas	Edw. P. Prichard	Egbert V. Taylor
Wm. E. Justice	James E. Quill	H. Thieman, Jr.
M. Kavanaugh	L. Allen Rhoads	Otis C. Thomas
G. M. Knuckles	H. G. Royalty	John L. Trumbo
J. T. Linton	Amos Runyon	Taylor Witt
Homer E. Losey	Carl Scheben	
Harry L. Moore	F. W. Schuhmann	—58

Those who voted in the negative were—

J. H. Clarke, Jr.	Coy C. Nevitt	R. J. Spaulding
J. J. Huff	James T. Philpott	E. A. Spencer
H. Clay Kauffman	J. Gip Prather	Joe Stewart
A. L. Love	C. R. Reeves	Thos. M. Swope
Pearl McKinney	Wade H. Riley	R. E. West

—15

Resolved that the title thereof be as aforesaid.

Mr. Quill moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 368. An Act to amend section 67.180 of the Kentucky Revised Statutes, relating to the purchase of liability and compensation insurance by counties, by extending its provisions to counties containing cities of the fourth, fifth and sixth classes.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 67.180 of the Kentucky Revised Statutes is amended to read as follows:

(1) The fiscal court of each county containing a city of the second, fourth, fifth or sixth class may, in its discretion, for the protection of the public and its employes, appropriate county funds to purchase policies of insurance of all kinds deemed advisable, covering vehicles operated by the county, and compensation insurance covering employes of the county receiving injuries arising out of and in the course of employment.

(2) Suits instituted on such policies may be maintained against the county only for the purpose of obtaining a judgment which when final shall measure the liability of the insurance carrier to the injured party for whose benefit the insurance policy was issued, but not to be enforced or collectible against the county or fiscal court.

§ 2. Whereas, it is essential that the public and the employes of counties be given immediate protection against injuries arising from the conduct of county affairs, an emergency is hereby declared to exist, and this Act shall take effect from and after its passage and approval by the Governor.

Mr. Kauffman offered the following amendment to said bill, viz.:

Amend H. B. 368 on page 1, Section 1, line 9 by adding after the word "employment" the following words "provided the insurance carrier in its policy of insurance, waives the right to deny its liability thereon by denying the liability of the county because of its governmental capacity and immunity."

Said amendment was agreed to.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with, and the same having been engrossed, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Henry Arrowood	Jerry F. Howell	Chester Peterson
F. H. Bassett, Jr.	J. J. Huff	Albert W. Pfeiffer
Isaac Blevins	W. N. Hughes	Sylvester Phillips
Douglas T. Bolling	W. H. Hunt	J. Gip Prather
J. C. Bradley	Lee Johnson	Kleber F. Price
Jno. W. Burkhart	Paul S. Jonas	Edw. P. Prichard
Chas. W. Burnley	Wm. E. Justice	James E. Quill
C. D. Call	H. Clay Kauffman	L. Allen Rhoads
J. H. Clarke, Jr.	M. Kavanaugh	Wade H. Riley
A. Roy Copeland	G. M. Knuckles	H. G. Royalty
Marvin Cornett	J. T. Linton	Amos Runyon
John Henry Cox	A. L. Love	Carl Scheben
John P. Craig	Pearl McKinney	F. W. Schuhmann
Thos. S. Dawson	Ed Marcum	Vernon Seaton
Adron Doran	C. C. May	Jno. W. Simmons
J. R. Dorman	Johnston Miller	George T. Smith
Dr. J. C. Gabbard	Harry L. Moore	R. J. Spaulding
Chas. B. Gentry	Herbert V. Moore	E. A. Spencer
J. D. Gross	L. D. Moore	Arthur Stallard
Jas. P. Hallahan	C. Sid Nabb	Geo. W. Steinford
B. C. Holbrook	Coy C. Nevitt	Joe Stewart
Benton Howard	Jno. C. Newcomb	Thos. M. Swope
Clyde S. Howard	Joe E. Nunn	C. W. Taylor

H. Thieman, Jr.	John L. Trumbo	R. E. West
E. B. Thompson	Harry F. Walters	Taylor Witt

—75

Resolved that the title thereof be as aforesaid.

Mr. Swope moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 250. An Act providing for the creation of a Civil Service Commission, prescribing their duties and qualifications; providing for examination of all applicants for patrolmen of counties having cities of the second class; providing for the dismissal of such patrolmen and providing for appeal to the circuit court and Court of Appeals; providing for the creation of a board of trustees of the pension fund and prescribing their duties and providing for the establishment and maintenance of a pension fund and a tax levy therefor and providing for the contribution to such fund by the patrolmen, coming within the provisions of this Act.

With a Committee amendment thereto.

Said bill is as follows, viz.:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1

Definitions. As used in this Act, the following words and terms shall have the following meaning:

(a) *"Patrolmen,"*—Any person or persons, who is or may be employed as a police officer by the Fiscal Court in any county, wherein the provisions of this act are effective.

(b) *"Commission,"*—The word "commission" shall mean a board of Civil Service Commissioners, as established under the terms of this Act.

(c) *"Trustees,"*—The word "trustees" shall mean a Board of Pension Fund Trustees, as established under the terms of this Act.

(d) *"Pension Fund,"*—The term "pension fund" shall mean the monies derived from the patrolmen affected by the provisions of this Act and the levy of a tax under the provisions hereof and any other sum derived from whatever source by gift or otherwise, to be used for the retirement of patrolmen after the prescribed number of years of service and for the benefit of disabled patrolmen and for the benefit of their widows and dependent children, in case of the death of a County Patrolman within the scope of his employment, according to the terms of this Act.

Section 2

That any County of the Commonwealth of Kentucky, containing a city of the second class, may, by an order of its fiscal court, duly made and entered of record, create a Civil Service Commission, whose duties it shall be to hold examination as to the qualifications of applicants for County Patrolmen, within the provisions of this Act.

When any county elects, as heretofore prescribed, to operate under the provisions of this Act and levies a tax for the creation of a pension fund and accepts from its county patrolmen in employment, a portion or percentage of their wages, as provided by the terms of this Act, an inviolable contract shall be created and be in existence by and between the county and its county patrolmen and their successors.

The County Judge, subject to the approval of the Fiscal Court, of the County, may appoint three (3) persons, who shall constitute the Civil Service Commission of such county. Each appointee shall be at thirty (30) years of age and not

related by either blood or marriage to either the County Judge or any member of the Fiscal Court of the County. Such appointees shall originally be appointed for one, two and three years respectively and the successors of such appointees shall be appointed in like manner, each for a period of three years. Any member of the Civil Service Commission shall be eligible for reappointment. Vacancies shall be filled for the unexpired term in the same manner as the original appointments.

The appointee who has been originally appointed for the term of three (3) years, shall be Chairman of the Commission. Each appointee, before entering upon the discharge of his duties, shall qualify by subscribing, taking and filing an oath of office as required by law.

The salary of the members of the Commission may be fixed by the Fiscal Court of the County, not to exceed the maximum amount prescribed by law.

Section 3

Organization of the Commission. Upon the appointment and qualification of the members of the Commission, as provided by this Act, they shall meet within three weeks of their appointment and elect their Chairman and adopt such rules, regulations and by-laws as they see fit for the proper conduct of their offices.

Section 4

Powers and Duties of the Commission. The Civil Service Commission shall prescribe and propound such examinations as may be deemed commensurate with the nature of the duties of a county patrolmen and shall set such times and places for holding such examinations as may be fit and proper and shall give public notice of such examinations to be conducted, at least ten days in advance thereof, by causing a notice to be printed once in a newspaper of general circulation within the county, containing all of the facts pertaining thereto.

The Civil Service Commission shall, as soon after all such examinations as is practicable, certify to the County Judge of the County, a list of the applicants so examined and they shall be ranked and graded according to the result of such examination, and the highest averages shall be ranked first and all others in numerical order according to the result thereof.

Section 5

Appointment to be made by the County Judge. The County Judge shall make all appointments to the positions of county patrolmen, and the appointments so made shall be taken from the lists of applicants furnished him by the Civil Service Commission after examination. Appointments to the various positions shall be made by the selection of one of the three holding the highest average, so certified by the Commission.

Section 6

Present Patrolmen in service one year. County Patrolmen, who, at the time the provisions of this Act are adopted, have been in the employ of such county as a county patrolman for one year immediately preceding the adoption and effective date of this Act, shall not be required to take an original examination and they shall be considered eligible for all of the benefits provided by this Act.

Section 7

Qualification of Applicants for County Patrolman.

The Civil Service Commission shall examine all applicants for county patrolmen as to their physical and mental qualifications. No person shall be eligible to take the examination who is not a registered voter within the County, nor a person of sobriety and integrity and had been and is a law-abiding citizen; nor shall any person be appointed as a county patrolman on account of political partisan service rendered by him, or on account of political sentiment or affiliation or who is over fifty (50) years of age, nor shall any such person

be removed or discharged or reduced in grade or pay for any political opinion concerning any public issue, but this does not include any opinion or choice of any candidate for office. All applicants must be twenty one (21) years of age, or older and must be able to read, write and understand the English language.

Section 8

Removal of County Patrolmen. No county patrolmen of the county shall be removed, suspended, reduced in grade or pay, for any reason, except inefficiency, misconduct, insubordination or violation of law or any rule or regulation adopted by the Civil Service Commission. Any person may prefer charges in writing against any county patrolman, which must be filed in the office of the County Judge, who shall thereupon communicate said charges, without delay, to the Fiscal Court of the County. Said charges must be signed by the person making the same and must set out with clearness and distinctness, each and every charge. It shall be the duty of the County Judge, whenever probable cause appears, to prefer charges against any County Patrolman, whom he believes to have been guilty of any conduct justifying his removal or punishment in the interest of public order. Upon the filing of said charges, the Judge of the County Court, shall notify the members of the Fiscal Court thereof and within three (3) days after the filing of same, they shall proceed to hear said charges. A copy of said charges shall be served upon the accused patrolman, together with a statement of the date, place and hour at which and when the hearing of same shall begin.

Upon the hearing, said charges shall be considered traversed and put in issue, and the trial shall be confined and limited to the issues so presented by the written charges. The accused may, however, in writing, waive the services of said charges and demand trial within three (3) days after same have been filed with the Judge of the County. The Fiscal Court hearing said charges, shall have the power to summon

and compel the attendance of witnesses at all hearings or sittings, by subpoena, issued by the County Court Clerk and served upon said witnesses by any sheriff or deputy sheriff or other person authorized by law to serve process. The Fiscal Court hearing such charges shall have the power of a Justice of the Peace to punish for contempt. The accused employe shall have the right to have subpoenaed in his behalf any witness or witnesses he may desire upon furnishing their names to the clerk of the County Court. The action and decision of said Fiscal Court on said charges shall be reduced to writing and shall be kept in a book for that purpose, and the written charges shall be preserved and securely attached to the book containing the body's decision.

In cases where the Judge of the County Court has probable cause to believe that any County Patrolman has been guilty of any conduct justifying his removal or punishment, he shall immediately suspend such county patrolman from duty or from both pay and duty pending said trial and said County Patrolman shall not be placed on duty or allowed pay thereafter until the charges are heard by the Fiscal Court as prescribed under the terms of this Act.

The Fiscal Court of the County after hearing such charges shall fix the punishment of any county patrolman found guilty of any charge under this Act, by reprimand or a suspension for any length of time, in their judgment, not to exceed six (6) months or by reducing the grade if said county patrolman's classification warrants same, or by combining any two or more of said punishments, or by removing or dismissing from the service of the county any county patrolman so found guilty.

Any County Patrolman, except as provided in this Act, shall not be reprimanded, removed, suspended or dismissed.

Section 9

Appeal to the Circuit Court and Court of Appeals.

Any County Patrolman of the County who shall be found guilty by the Fiscal Court or any charge as hereinbefore pro-

vided, shall have the right to appeal to the Circuit Court of the County, wherein such charges are held, provided the punishment be a suspension of more than thirty (30) days, or the reduction in grade if his classification warrants, or his removal or dismissal from the County employment, provided, however, the enforcement of the judgment of the Fiscal Court upon said charges, shall not be suspended, pending said appeal.

Upon the written request of the person accused and the payment of costs therefor, the Clerk of the County Court shall file a certified copy of the charges made and the judgment or finding of said Fiscal Court in the Circuit Court, which transcript having been filed, the cause shall be docketed in the Circuit Court and tried de novo. Should the Clerk of the County fail to certify and transmit the transcript aforesaid to the Circuit Court, within five (5) days after the request is made for same, then the aggrieved person may file an affidavit in said court setting out as fully as possible the charges made at the time of trial and judgment, together with a statement of fact that demand for the transcript had been made to the Clerk of said County more than five days prior to filing of said affidavit. Upon the filing of said affidavit in the Circuit Court, said cause shall be docketed in said court and the Circuit Court is hereby authorized to compel the filing of said transcript by said Clerk by entering proper mandatory orders and upon the failure of the Clerk so to do, he shall be liable to fine and imprisonment as in other cases of contempt. Such appeal shall have precedence over other business, and be taken up and determined speedily. An appeal shall lie from the judgment of the Circuit Court to the Court of Appeals as in other cases, provided the original punishment fixed by the Fiscal Court of the County be removal or dismissal of the accused.

Section 10

Number of County Patrolmen, Salaries.

The number of County Patrolmen and the classification

thereof shall be such as may now or in the future be prescribed by law and the Fiscal Court of the County shall fix by proper orders the salaries of each classification thereof in conformity with the laws of Kentucky as at present in force.

Section 11

Board of Pension Fund Trustees.

There may be organized a Board to be known as The Board of Trustees of the County Patrolman's Pension Fund, which shall be composed of the Judge of the County Court, the Treasurer of the County and the Chief of the County Patrolmen, and said Board shall elect from their number a President and Secretary. The County Treasurer shall be ex-officio Treasurer of said Board and custodian of its funds.

Section 12

Tax Levy, Service Records, Gifts, Investment of Funds.

There may be levied and set apart by the Fiscal Courts of Counties, containing cities of the second class, a tax for the first year after the adoption of this Act by any such county, and each year thereafter, not exceeding ½ cent on each $100.00 value of taxable property in said counties, for the pension of any county patrolmen, as defined in this Act who has served continuously in such county employment for at least a period of twenty (20) years and who shall retire from the service after said period, and for the purpose of pensioning any county patrolman who may become permanently crippled, while in the service and on duty, and for the further purpose of pensioning the widow or dependents, children under the age of fourteen (14) or either of them or any county patrolman who may lose his life while in the service and on active duty and all rewards, fees, proceeds, gifts and emoluments that may be paid or given on account of extraordinary service of any county patrolman, shall be paid into the county patrolmen's pension funds. The payment so made, together with the tax levy aforesaid, shall constitute and be kept as a fund to be called the County Patrol-

men's Pension Fund, and said Board of Trustees of the County Patrolmen's Pension Fund is hereby declared to be Trustees of said fund, and they shall have power and it shall be their duty from time to time to invest the same in whole or in part as they shall deem most advantageous for the objects of the said fund, and they are empowered to make all the necessary contracts and to take all necessary remedies in the premises.

Section 13

Powers of Board of Trustees—Assessments of Employees.

Said Board of Trustees of the County Patrolmen's Pension Fund shall have exclusive control and management of the said fund and all monies donated, paid or assessed for the relief or pensioning of retired, crippled or disabled County Patrolmen or their widows or dependent children under the age of fourteen (14) years or dependent fathers or mothers of any such County Patrolman killed in the services and while on duty and may assess each such County Patrolman 2 per centum of the salary of such County Patrolmen to be deducted and withheld from the monthly pay of each member, so assessed. The same to be placed by the Treasurer of such county to credit of such fund, subject to the order of said board.

Section 14

Rules and Regulations.

The said Board of Trustees of the County Patrolmen's Pension Fund shall have all needful rules and regulations for its government in the discharge of its duties and shall hear and decide all applications for relief or pensions under this Act, and its decisions on such applications shall be final and conclusive and not subject to revision or reversal, except by said Board and a record shall be kept of all the meetings and proceedings of said Board.

Section 15

Character of Investment of Pension Fund.

The said Board of Trustees of the County Patrolmen's Pension Fund, shall have the power to draw such pension fund from the Treasury and may invest the same or any part thereof in the name of the Board of Trustees of the County Patrolmen's Pension Fund, in interest bearing bonds of the United States, of the State of Kentucky, or any county or any city of the first, second, third or fourth classes in the State of Kentucky, or in any securities in which Trustees or Guardians are permitted to invest trusts or guardianship funds under the laws of the State and all such securities shall be deposited with the Treasurer of said County as ex-officio Treasurer of said Board and shall be subject to the order of the said board.

Section 16

Both Principal and Interest to Apply.

Both the principal and interest of said pension fund shall be applicable to the payment of pensions under the provisions of this Act.

Section 17

Pension for Disabled County Patrolmen.

Pension for Dependents of County Patrolmen killed while in service and on duty.

Amounts.

If any County Patrolman, while in the performance of his duties becomes temporarily, totally disabled, physically or mentally, for services, by reason of service rendered, the Board of Trustees shall order the payment to such disabled county patrolman monthly during such disability, not to exceed one year, from such pension fund a sum not to exceed $50.00 per month;—the amount to be determined by the Board of Trustees, provided such County Patrolman during the same period is paid no salary as such County Patrolman.

If any County Patrolman, while in the performance of

his duty becomes mentally or physically permanently disabled, by reason of the services rendered, so as to render necessary his retirement from such service, said Board of Trustees shall retire such disabled County Patrolmen from further employment, provided no such retirement on account of disability shall occur, unless said employee has contracted said disability while on duty in the service of the County. And upon such retirement the Board of Trustees shall order the payment to such disabled County Patrolman monthly from such pension fund a sum equal to one-half of the monthly compensation allowed to such county patrolman as salary at the date of his retirement.

If any County Patrolman shall, while in the performance of duty, be killed or die as a result of any injury received in the line of duty, or if any disease is contracted by reason of his occupation as a result of service rendered and while in said service, or after having served for fifteen (15) consecutive years shall die while in the service or on the retired list from any cause and shall leave a widow or child or children under the age of fourteen (14) years, said Board of Trustees shall direct the payment from said pension fund monthly to such widow while unmarried of $30.00 and for each child until reaches the age of fourteen (14) years, $6.00 and to the dependent father or mother if said deceased employee was unmarried and childless—$30.00.

The pension to the father and mother is to be paid as follows:

If the father be dead, the mother shall receive the entire $30.00 and if the mother be dead, the father shall receive the entire $30.00 and if both be living, each shall receive $15.00.

No County Patrolman shall be entitled to the pension benefits hereunder on account of service, unless he shall have been employed by the county for a period of at least five (5) years from and after the election of any county to proceed under the provisions of this Act.

No compensation in any event shall be collectible or pay-

able under the provisions of this Act for the first five (5) days of any disability as defined by this Act.

Section 18

Payment When Funds Insufficient.

If, at any time, there shall not be sufficient money in such pension fund to pay each person entitled to the benefit thereof, the amount per month as herein provided, then an equal percentage of such monthly payments shall be made to each beneficiary until the said fund shall be replenished to warrant the payment in full to each of said beneficiaries.

Section 19

Amount of Pension After Twenty Years Service.

Any County Patrolman having served twenty years (20) or more consecutively in such county employment and if his application to be relieved from such services as a County Patrolman is granted, the said Board of Trustees shall order and direct that such County Patrolman be paid a monthly pension equal to one-half of the amount of salary of such County Patrolman received by him at the time of the granting of the application.

Section 20

Funeral Expense Benefit.

Whenever a County Patrolman shall die as aforesaid in this Act, the Board of Trustees may appropriate from the pension fund a sum not exceeding $100.00 to the widow or family for funeral expenses.

Section 21

Pension Limitations.

No person shall be entitled to receive any pension from said pension fund except a regularly retired County Patrolman, his widow or children under the age of fourteen (14) years or dependent father or mother.

Section 22

Treasurer to Furnish Bond.

The Treasurer of the Board of Trustees and of the Pension Fund shall be custodian of said pension fund and shall securely and safely keep the same, subject to the control and direction of said board, and shall keep his books and accounts concerning said fund in such a manner as may be prescribed by the Board, and the said books and accounts shall always be subject to the inspection of the board or any member thereof.

The Treasurer shall within ten days after his appointment or election, execute a bond to the county with good and sufficient surety, in such penal sum as may be fixed by the Fiscal Court of the county, which shall be approved by such Fiscal Court of such county, conditioned for the faithful performance of the duties of his office and that he will safely keep and truthfully account for all monies and properties which may come into his hands as such Treasurer and that upon the expiration of his term of office, he will surrender and deliver to his successor all bonds, securities and all unexpended monies or other properties including the records of such accounts which may have come into his hands by virtue of his office as Treasurer of said fund. Said bond shall be filed in the office of the County Clerk and may be sued upon in the name of the County for the use of said Board or in the name of said Board or any person or persons injured by a breach thereof.

Section 23

Warrants to Issue for Sums Due Pension Fund.

It shall be the duty of such officer or officers of the county as are designated by law to draw warrants on the Treasury of the County on request in writing by said Board of Trustees, payable to the Treasurer of said Board of Trustees for all funds belonging to said Pension Fund as aforesaid.

Section 24

Warrants to be Signed by President and Secretary.

All monies ordered to be paid from the said pension fund to any person or persons shall be paid by the Treasurer of the Board of Trustees only upon warrant signed by the president of said Board of Trustees and countersigned by the Secretary thereof, and no warrant shall be drawn except by order of the Board as having been duly entered on the records and minutes of the proceedings thereof.

Section 25

Board to Report to the County.

The Board of Trustees shall make a report to the Fiscal Court of the county of the condition of said Pension Fund on its last meeting in December of each and every year after the adoption of this Act by any county containing a city of the second class.

Section 26

Pension Not Subject to Attachment.

No portion of said Pension Fund shall before or after its order for distribution by the Board of Trustees to the person or persons entitled thereto be held, seized, taken or subjected to or detained or levied upon by virtue of any attachment, execution, injunction, writ, interlocutory or other order or decree or any process of proceeding whatever, issued out of or by any court in this State for the payment or satisfaction in whole or in part of any debt, damage, claim, demand or judgment against the beneficiary of said fund, but said fund shall be held and distributed for the purpose of this Act and for no other purpose whatsoever.

Section 27

County Attorney to Advise.

It shall be the duty of the County Attorney of the County to give advice to the Board of Trustees of the County Patrol-

man's Pension Fund in all matters pertaining to their duties, in the management of said fund, whenever requested and he shall represent and defend said Board as its attorney in all suits or actions at law or in equity that may be brought by or against it and in any other matter, in which his advice may be sought or requested.

Section 28

The various provisions of this act are deemed separable and if any provisions herein is declared invalid or unconstitutional, it shall not affect the validity or force of any other section or part hereof not declared invalid or unconstitutional.

Section 29

Conflicting Laws Repealed.

All laws or parts of laws in conflict herewith are hereby expressly repealed.

Said Committee amendment is as follows, viz.:

Amend H. B. 250 on pages 8 and 9, Section 12, lines 1 to 24 by striking all of section 12 and inserting in lieu thereof the following:

There is hereby created a County Patrolmen's Pension Fund for the pension of any county patrolmen, as defined in this Act, who has served continuously in such county employment for at least a period of twenty (20) years and who shall retire from the service after said period, and for the purpose of pensioning any county patrolman who may become permanently crippled, while in the service and on duty, and for the further purpose of pensioning the widow or dependents, children under the age of fourteen (14) or either of them or any county patrolman who may lose his life while in the service and on active duty and all rewards, fees, proceeds, gifts and emoluments that may be paid or given on account of extraordinary service of any county patrolman, shall be paid

into the County Patrolmen's Pension Fund. The payment so made shall constitute and be kept as a fund to be called the County Patrolmen's Pension Fund, and said Board of Trustees of the County Patrolmen's Pension fund is hereby declared to be trustees of said fund, and they shall have power and it shall be their duty from time to time to invest the same in whole or in part as they shall deem most advantageous for the objects of the said fund, and they are empowered to make all the necessary contracts and to take all necessary remedies in the premises.

Said amendment was agreed to.

Mr. Steinford offered the following amendments to said bill, viz.:

Amend H. B. 250 on page 1, section 1, line 4 by striking out the words "Fiscal Court" and inserting in lieu thereof the words "County Court."

Amend H. B. 250 on page 3, section 2, lines 23 and 24 by striking the sentence that begins in line 23 and ends with "Commission" in line 24.

Amend H. B. 250 on page 7, section 9, line 2 by striking the word "or" and inserting in lieu thereof the word "of."

Amend H. B. 250 on page 2, section 2, line 14 after the word "at" by inserting the word "least."

Said amendments were each and severally agreed to.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with and the same

having been engrossed, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Henry Arrowood	W. N. Hughes	Kleber F. Price
F. H. Bassett, Jr.	W. H. Hunt	Edw. P. Prichard
Douglas T. Bolling	Lee Johnson	James E. Quill
J. C. Bradley	Paul S. Jonas	C. R. Reeves
Jno. W. Burkhart	Wm. E. Justice	L. Allen Rhoads
Chas. W. Burnley	M. Kavanaugh	H. G. Royalty
C. D. Call	G. M. Knuckles	Amos Runyon
Fred Carpenter	Homer E. Losey	Carl Scheben
A. Roy Copeland	A. L. Love	F. W. Schuhmann
Marvin Cornett	Pearl McKinney	Vernon Seaton
John Henry Cox	C. C. May	Jno. W. Simmons
John P. Craig	Johnston Miller	George T. Smith
Thos. S. Dawson	Harry L. Moore	Robt. J. Spaulding
Adron Doran	Herbert V. Moore	E. A. Spencer
J. R. Dorman	L. D. Moore	Arthur Stallard
T. H. Dyer	W. B. Moser	Geo. W. Steinford
Dr. J. C. Gabbard	C. Sid Nabb	Joe Stewart
J. D. Gross	Jno. C. Newcomb	C. W. Taylor
Claude Hammons	Joe E. Nunn	Egbert V. Taylor
B. C. Holbrook	H. C. Patterson	H. Thieman, Jr.
Benton Howard	Chester Peterson	E. B. Thompson
Clyde S. Howard	Albert W. Pfeiffer	John L. Trumbo
Jerry F. Howell	Sylvester Phillips	Taylor Witt
J. J. Huff	J. Gip Prather	—71

There voted in the negative—

Wade H. Riley —1

Mr. Steinford offered the following amendment to the title of said bill, viz.:

Amend the title to H. B. 250 by striking the words "and a tax levy therefor."

Said amendment was agreed to.

Resolved that the title thereof be as amended.

Mr. Quill moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

A message was received from the Senate announcing that they had passed a bill which originated in that body, entitled:

S. B. 72. An Act to amend and re-enact Section 160.500 Kentucky Revised Statutes, 1942 Edition, relating to the collection of school taxes, limiting the amount of fees to be charged for collecting same, and setting forth the manner in which same is to be determined.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 160.500 of Kentucky Revised Statutes, 1942 Edition, be amended and re-enacted, so that said section, as amended and re-enacted, shall read as follows, to wit:

Collector of school taxes; allowance to; special collector; tax bills.

(1) School taxes shall be collected by the regular tax collectors for the tax levying authorities that make the school levies for the various school districts, at the same time and in the same manner as other local taxes are collected, except as provided in this section and in KRS 160.510. The bond of the regular tax collector shall be made to cover his duties as

the tax collector of the school district or districts for which he collects taxes. The fee for the collection of school taxes shall be fixed and determined by the tax levying authorities at the time the tax levy is made, which shall be two percent of the amount of the funds received from the local school levy. No allowance shall be made for the collection of school taxes to any collecting officer who continues to collect taxes after his term that would not be allowed him had he collected the taxes during his term.

(2) An independent school district may select a special tax collector to collect its school taxes. The special tax collector shall be required to execute bond in the same manner as provided in KRS 160.560 for the execution of a treasurer's bond, and the penal sum of the bond shall be not less than the aggregate of the tax bills that come into the hands of the special tax collector.

(3) The clerk shall include all school taxes on the regular tax bills furnished the tax collector except in case an independent district has selected a special tax collector, in which case the school taxes shall be listed by the clerk on a separate bill. The clerk shall be allowed a fee not to exceed three cents for each separate school tax bill to be paid by the independent district board of education.

(4) The provisions of this act shall not be construed to increase the compensation of any public official during his term of office, but shall become effective upon the expiration of the respective term of those now in office.

Ordered that said bill be printed and referred to the Committee on Rules.

And that they had passed a bill which originated in this House, entitled:

H. B. 260. An Act relating to State Parks.

Ordered that said bill be delivered to the Enrolling Clerk of this House.

And that they had reconsidered and passed a bill which originated in that body, the objections and veto of the Governor to the contrary notwithstanding, entitled:

S. B. 21. An Act amending Sec. 42.140 KRS relating to State employees. This Act shall be known as the Creasey-Cox-Smith Bill.

Together with the objections and veto of the Governor, and respectfully request that the House reconsider the vote by which said bill was passed.

Ordered that said bill together with the objections and veto of the Governor, be referred

To the Committee on Rules.

Mr. Moser of the Committee on Enrollment reported that they had examined and found to be correctly enrolled, bills of the following titles, viz.:

H. B. 38. An Act amending Sec. 256.010 KRS.

H. B. 161. An Act relating to the probating of wills.

H. B. 190. An Act relating to probate law and procedure, including provisions concerning trusts and the estates of decedents and persons under disability.

Thereupon all other business was suspended, said bills were read at length and compared in open session and found to be correctly enrolled, and thereupon, the Speaker, in open

session and in the presence of the House, affixed his signature thereto.

Ordered that the Enrolling Clerk of this House deliver said bills to the Senate.

After a time the Enrolling Clerk aforesaid delivered the original and enrolled copies of said bills duly signed by the President of the Senate, into the possession of the Chief Clerk of this House.

Ordered that the Chief Clerk deliver said bills to the Governor.

After a time the Chief Clerk reported that he had discharged that duty.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 11. A Joint resolution authorizing S. S. Oldfield of Index, Kentucky to sue the Commonwealth.

Said resolution is as follows, viz.:

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That, S. S. Oldfield, of Index, Kentucky, is authorized to sue the Commonwealth of Kentucky in the Morgan Circuit Court for property damage caused by the alleged negligence on the part of the Department of Highways and its employes in the construction of a highway.

Said suit shall be in a sum not to exceed five hundred dollars.

The Attorney General of the Commonwealth of Kentucky may investigate the claim against the Commonwealth of Kentucky herein and settle said claim before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the General Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this resolution shall be considered by either the Court or the jury as an admission of negligence upon the part of the Commonwealth and this resolution shall not be introduced as evidence, nor commented upon by counsel in the argument of the case to the jury.

Mr. May offered the following amendment to said resolution, viz.:

Amend H. Res. 11 on page 1, line 10 by striking out the words "General Fund" and substituting in lieu thereof the words "State Road Fund."

Said amendment was agreed to.

Ordered that said resolution be engrossed and read the third time.

The Constitutional provision as to the third reading of said resolution at length having been dispensed with and the same having been engrossed, said resolution was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

F. H. Bassett, Jr.	W. N. Hughes	James E. Quill
Isaac Blevins	W. H. Hunt	C. R. Reeves
Douglas T. Bolling	Lee Johnson	L. Allen Rhoads
J. C. Bradley	Paul S. Jonas	Wade H. Riley
Jno. W. Burkhart	Wm. E. Justice	H. G. Royalty
Chas. W. Burnley	H. Clay Kauffman	Amos Runyon
C. D. Call	M. Kavanaugh	Carl Scheben
Fred Carpenter	G. M. Knuckles	F. W. Schuhmann
J. H. Clarke, Jr.	J. T. Linton	Vernon Seaton
A. Roy Copeland	Homer E. Losey	Jno. W. Simmons
Marvin Cornett	A. L. Love	George T. Smith
John Henry Cox	Pearl McKinney	Robt. J. Spaulding
John P. Craig	C. C. May	E. A. Spencer
Thos. S. Dawson	Harry L. Moore	Arthur Stallard
Adron Doran	Herbert V. Moore	Geo. W. Steinford
J. R. Dorman	L. D. Moore	Joe Stewart
T. H. Dyer	W. B. Moser	Thos. M. Swope
Chas. B. Gentry	C. Sid Nabb	C. W. Taylor
J. D. Gross	Jno. C. Newcomb	Egbert V. Taylor
Jas. P. Hallahan	H. C. Patterson	H. Thieman, Jr.
Claude Hammons	Chester Peterson	Otis C. Thomas
B. C. Holbrook	Albert W. Pfeiffer	E. B. Thompson
Benton Howard	Sylvester Phillips	John L. Trumbo
Clyde S. Howard	J. Gip Prather	Harry F. Walters
Jerry F. Howell	Kleber F. Price	R. E. West
J. J. Huff	Edw. P. Prichard	Taylor Witt

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Resolved that the title thereof be as aforesaid.

Mr. May moved that the vote by which said resolution was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Quill moved that the Clerk of this House be directed to have printed a sufficient number of copies of a Substitute for a bill entitled:

H. B. 284. An Act to provide for the supervision, regulation, and control of the intra-state transportation of property, etc., by aircraft for hire.

Which is to be considered by the Committee on Rules.

Said motion was agreed to.

At the instance of the Committee on Rules,

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 274. An Act relating to water districts.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky that:

Section I.—Chapter 74 of the Kentucky Revised Statutes, being Sections 74.010 to 74.990, both inclusive, of Kentucky Revised Statutes, be amended and supplemented as follows:

Any water district, created in the manner provided in KRS 74.010 to 74.070, both inclusive, may if the commissioners of such water districts deem it feasible, build, or acquire or enlarge a water system without resort to the right to levy assessments for the cost of such water system, as is provided in KRS 74.130 to 74.250, both inclusive, and may obtain the funds with which to build, acquire or enlarge such system by the issuance of revenue bonds, payable solely from the revenue to be derived from the operation of such system.

In the event the commissioners shall decide to finance the cost of such construction, acquisition or enlargement by the issuance of revenue bonds, secured solely by the revenue of

the system, the commission shall note such decision by appropriate resolution, and shall thereafter proceed under the provisions of KRS 96.350 to 96.510, both inclusive, and the water district and the commission shall have the same powers and duties as a city of the second to sixth class inclusive under the provisions of KRS 96.350 to 96.510, both inclusive.

In the event such procedure is followed the commission shall not observe the provisions of KRS 74.130 to 74.230, both inclusive.

Section II.—If any district has previously issued bonds secured entirely or partially by the right to levy an assessment as provided by KRS 74.130 to 74.230, both inclusive, and such bonds are redeemed prior to maturity, bonds to refund same may be issued secured solely by the revenue of said system in the manner provided hereinabove.

Section III.—This amendment shall not repeal nor reduce any existing rights or duties of a water district, and the commissioners thereof, but shall constitute an additional and alternate method of financing.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	Jno. W. Burkhart	Marvin Cornett
Henry Arrowood	Chas. W. Burnley	John Henry Cox
F. H. Bassett, Jr.	C. D. Call	John P. Craig
Isaac Blevins	Fred Carpenter	Thos. S. Dawson
Douglas T. Bolling	Willis Champion	Adron Doran
J. C. Bradley	A. Roy Copeland	J. R. Dorman

T. H. Dyer	C. C. May	Carl Scheben
Dr. J. C. Gabbard	Johnston Miller	F. W. Schuhmann
Chas. B. Gentry	Harry L. Moore	Vernon Seaton
J. D. Gross	Herbert V. Moore	Jno. W. Simmons
Jas. P. Hallahan	L. D. Moore	Faust Y. Simpson
Claude Hammons	W. B. Moser	Robt. J. Spaulding
Benton Howard	C. Sid Nabb	E. A. Spencer
Clyde S. Howard	Jno. C. Newcomb	Arthur Stallard
J. J. Huff	H. C. Patterson	Geo. W. Steinford
W. N. Hughes	Chester Peterson	Joe Stewart
W. H. Hunt	Albert W. Pfeiffer	Thos. M. Swope
Lee Johnson	Sylvester Phillips	C. W. Taylor
Paul S. Jonas	L. W. Preston	Egbert V. Taylor
Wm. E. Justice	Kleber F. Price	H. Thieman, Jr.
M. Kavanaugh	Edw. P. Prichard	Otis C. Thomas
G. M. Knuckles	James E. Quill	E. B. Thompson
J. T. Linton	C. R. Reeves	John L. Trumbo
Homer E. Losey	L. Allen Rhoads	R. E. West
A. L. Love	H. G. Royalty	Taylor Witt
Pearl McKinney	Amos Runyon	—77

Resolved that the title thereof be as aforesaid.

Mr. Quill moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 32. A Joint Resolution establishing a Youth Guidance Commission.

Said resolution is as follows, viz.:

WHEREAS, this nation is now in a National Emergency, and

WHEREAS, juvenile delinquency appears to be increasing for the state and nation, and

WHEREAS, thoughtful and capable citizens have expressed their belief that the problems of youth should be studied and means sought for their solution, and

WHEREAS, it is vital to the welfare of the future generations of our state and nation that the guidance of our youth be given special attention; NOW THEREFORE,

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

§ 1. There is established a Kentucky Youth Guidance Commission to be composed of nine members appointed by the Governor, one from each Congressional District of the State. At least three of the members shall be appointed from the teaching profession, at least three from religious and welfare workers, and the other members shall be so selected as to obtain the services of persons competent and interested in the education and welfare of youth. The Governor shall designate one member as chairman and another as vice chairman. The commission shall elect a secretary. The members of the commission shall serve without pay and shall have the cooperation and assistance of all state, county, and city officials in the conduct of their studies.

§ 2. It shall be the duty of the Kentucky Youth Guidance Commission to make a survey of the entire field of youth welfare in the Commonwealth, of character education in the schools, of the character-building organizations and of the administration and results of present laws for the prevention of juvenile delinquency, and to make a report of its findings to the Governor thirty days prior to the next regular session of the General Assembly. The commission shall have power

to summon witnesses and to compel their attendance, and shall have such incidental powers as may be necessary and proper in the performance of its duties.

Said resolution was then adopted.

Mr. Moser moved that the vote by which said resolution was adopted be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules,

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 325. An Act relating to the payment of jurors; compensation of clerks.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (2) of section 28.180 of the Kentucky Revised Statutes is amended to read as follows:

(2) The Circuit Court Clerk shall be allowed 5% of all funds forwarded to the State Treasury under section 28.170, and an amount equal to 5% of the funds disbursed by him to jurors under this section.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, having been dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	Jerry F. Howell	Kleber F. Price
Henry Arrowood	J. J. Huff	Edw. P. Prichard
F. H. Bassett, Jr.	W. N. Hughes	James E. Quill
Isaac Blevins	W. H. Hunt	C. R. Reeves
Douglas T. Bolling	Lee Johnson	Wade H. Riley
J. C. Bradley	Paul S. Jonas	H. G. Royalty
Jno. W. Burkhart	Wm. E. Justice	Amos Runyon
Chas. W. Burnley	H. Clay Kauffman	Carl Scheben
C. D. Call	M. Kavanaugh	F. W. Schuhmann
Fred Carpenter	G. M. Knuckles	Vernon Seaton
Willis Champion	J. T. Linton	Jno. W. Simmons
A. Roy Copeland	Homer E. Losey	Faust Y. Simpson
Marvin Cornett	A. L. Love	George T. Smith
John Henry Cox	Pearl McKinney	Robt. J. Spaulding
John P. Craig	C. C. May	E. A. Spencer
Thos. S. Dawson	Johnston Miller	Arthur Stallard
Adron Doran	Harry L. Moore	Geo. W. Steinford
J. R. Dorman	Herbert V. Moore	Joe Stewart
T. H. Dyer	L. D. Moore	Thos. M. Swope
Bernie S. Edlin	W. B. Moser	C. W. Taylor
Dr. J. C. Gabbard	C. Sid Nabb	Egbert V. Taylor
Chas. B. Gentry	Jno. C. Newcomb	H. Thieman, Jr.
Jas. P. Hallahan	H. C. Patterson	E. B. Thompson
Claude Hammons	Chester Peterson	John L. Trumbo
B. C. Holbrook	Albert W. Pfeiffer	Taylor Witt
Benton Howard	Sylvester Phillips	
Clyde S. Howard	L. W. Preston	—79

Those who voted in the negative were—

R. E. West —1

Resolved that the title thereof be as aforesaid.

Mr. Linton moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules,

The House took up for consideration from the Orders of the Day, a bill entitled:

H. Res. 33. Resolution for the benefit of Mrs. Gertie Gresham.

Said bill is as follows, viz.:

WHEREAS, Carlie S. Gresham was an attendant at the Western State Hospital at Hopkinsville, Kentucky, and while on duty, on the 24th day of November, 1942, was, without improper action or conduct upon his part, beaten by an inmate and sustained injuries which resulted in his death on the 1st day of December, 1942; and

WHEREAS, he left a widow, Mrs. Gertie Gresham, and a son sixteen years of age; and

WHEREAS, said Carlie S. Gresham had no estate and his said widow and child were left without property and without sufficient means for the payment of his burial expenses and without any means except such salary or wages as the widow was and may be able to earn; Now, Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

There is hereby appropriated from the General Fund of the Commonwealth, the sum of one thousand dollars ($1,000.00), and the Department of Finance shall draw its warrant upon the Treasurer for that amount in favor of Mrs. Gertie Gresham.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, having been dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	Jerry F. Howell	Kleber F. Price
Henry Arrowood	J. J. Huff	Edw. P. Prichard
F. H. Bassett, Jr.	W. N. Hughes	James E. Quill
Isaac Blevins	W. H. Hunt	C. R. Reeves
Douglas T. Bolling	Lee Johnson	L. Allen Rhoads
J. C. Bradley	Wm. E. Justice	Wade H. Riley
Jno. W. Burkhart	H. Clay Kauffman	H. G. Royalty
Chas. W. Burnley	M. Kavanaugh	Amos Runyon
C. D. Call	G. M. Knuckles	Carl Scheben
Fred Carpenter	J. T. Linton	F. W. Schuhmann
Willis Champion	Homer E. Losey	Vernon Seaton
J. H. Clarke, Jr.	A. L. Love	Jno. W. Simmons
A. Roy Copeland	Pearl McKinney	Faust Y. Simpson
Marvin Cornett	Ed Marcum	George T. Smith
John Henry Cox	C. C. May	Robt. J. Spaulding
John P. Craig	Johnston Miller	E. A. Spencer
Thos. S. Dawson	Harry L. Moore	Arthur Stallard
Adron Doran	Herbert V. Moore	Geo. W. Steinford
T. H. Dyer	L. D. Moore	Joe Stewart
Bernie S. Edlin	W. B. Moser	C. W. Taylor
Dr. J. C. Gabbard	C. Sid Nabb	Egbert V. Taylor
Chas. B. Gentry	Jno. C. Newcomb	Roy L. Taylor
J. D. Gross	H. C. Patterson	H. Thieman, Jr.
Jas. P. Hallahan	Chester Peterson	E. B. Thompson
Claude Hammons	Albert W. Pfeiffer	John L. Trumbo
B. C. Holbrook	Sylvester Phillips	R. E. West
Benton Howard	J. Gip Prather	Taylor Witt
Clyde S. Howard	L. W. Preston	—83

Resolved that the title thereof be as aforesaid.

Mr. Love moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules,

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 330. An Act relating to record books required by circuit and county clerks.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 28.130 of the Kentucky Revised Statutes is amended to read as follows:

The record books required by circuit and county clerks shall be procured by the clerk upon the order of the court of which he is a clerk, and shall be paid for by the state, but the annual cost to the state for record books for each county shall be limited to the following amounts: Counties having 10,000 or less population, $300; counties having over 10,000 and less than 20,000 population, $375; counties having 20,000 and less than 30,000 population, $450; counties having 30,000 and less than 40,000 population, $525; counties having 40,000 to 60,000 population, $750; counties having over 60,000 population, $3,000. All costs for record books in excess of these amounts shall be paid by the respective counties for which record books are purchased.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, having been dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	Clyde S. Howard	Kleber F. Price
Henry Arrowood	Jerry F. Howell	Edw. P. Prichard
F. H. Bassett, Jr.	J. J. Huff	James E. Quill
Isaac Blevins	W. N. Hughes	C. R. Reeves
Douglas T. Bolling	W. H. Hunt	Wade H. Riley
J. C. Bradley	Lee Johnson	H. G. Royalty
Jno. W. Burkhart	Paul S. Jonas	Amos Runyon
Chas. W. Burnley	Wm. E. Justice	Carl Scheben
Fred Carpenter	H. Clay Kauffman	F. W. Schuhmann
Willis Champion	M. Kavanaugh	Vernon Seaton
J. H. Clarke, Jr.	G. M. Knuckles	Jno. W. Simmons
A. Roy Copeland	J. T. Linton	Faust Y. Simpson
Marvin Cornett	Homer E. Losey	Robt. J. Spaulding
John Henry Cox	A. L. Love	E. A. Spencer
John P. Craig	Pearl McKinney	Arthur Stallard
Adron Doran	Ed Marcum	Geo. W. Steinford
J. R. Dorman	C. C. May	Joe Stewart
T. H. Dyer	Harry L. Moore	C. W. Taylor
Bernie S. Edlin	Herbert V. Moore	Egbert V. Taylor
Dr. J. C. Gabbard	L. D. Moore	Roy L. Taylor
Chas. B. Gentry	C. Sid Nabb	H. Thieman, Jr.
J. D. Gross	Jno. C. Newcomb	E. B. Thompson
Jas. P. Hallahan	Chester Peterson	John L. Trumbo
Claude Hammons	Albert W. Pfeiffer	Harry F. Walters
B. C. Holbrook	Sylvester Phillips	R. E. West
Benton Howard	L. W. Preston	Taylor Witt

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Those who voted in the negative were—

C. D. Call	W. B. Moser	Otis C. Thomas

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Resolved that the title thereof be as aforesaid.

Mr. Preston moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the following bills were introduced, viz.:

By Mr. Gross.

H. B. 402. An Act relating to distilled spirits.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 243.680 of the Kentucky Revised Statutes is amended to read as follows:

(1) There is levied, on the privilege of manufacturing distilled spirits in this state, a tax at the rate of ten cents per proof gallon. No person shall manufacture distilled spirits in this state unless he first obtains from the department a permit to engage in the business of manufacturing distilled spirits. At the time of the issuance of the permit he shall pay to the state a tax of five cents for each proof gallon of distilled spirits for which the permit is issued. Upon completion of the manufacturing process, which for the purposes of this section shall be deemed to be the time when the distilled spirits are removed from storage for the purpose of being placed in retail containers, the manufacturer shall pay the remaining five cents per proof gallon.

(2) (a) No person shall ship or transport or cause to be shipped or transported into the state any distilled spirits from points without the state first obtaining a permit from the department and paying a tax of ten cents on each proof gallon contained in the shipment.

(b) No railroad company or express company shall receive for shipment or ship into this state any package or receptacle containing distilled spirits unless a copy of the permit, showing that payment of required taxes has been made, accompanies the shipment.

(c) The permit shall be in a form prescribed by the department, and all shipments into the state shall be governed by regulations promulgated by the department.

(d) A railroad or express company need not obtain a permit to transport distilled spirits, but shall be subject to all regulations of the department.

§ 2. Subsection (1) of section 243.690 of the Kentucky Revised Statutes is amended to read as follows:

No person shall engage in the business of blending, rectifying or mixing distilled spirits, without obtaining from the department a permit to blend, rectify or mix distilled spirits. An excise tax of ten cents is imposed for each proof gallon of distilled spirits that has not borne the tax imposed by KRS 243.680 and which is used in said blending, rectifying or mixing.

§ 3. Any person who, prior to the effective date of this act, has secured a permit under section 243.680 of the Kentucky Revised Statutes or under Chapter 149 of the Acts of 1934 for the manufacture of distilled spirits, or has manufactured distilled spirits under such a permit, shall be liable for the tax imposed by KRS 243.680 as amended by this Act if the process of manufacturing has not been completed by removal of the distilled spirits from storage for the purpose of being placed in retail containers at the time this Act takes effect, but shall be given credit for the amount of tax paid at the time the permit was secured.

§ 4. The Revenue derived from the taxes imposed by KRS 243.680 and 243.690 shall be distributed among all of the counties on the following basis:

(1) One third shall be apportioned equally between the counties.

(2) One-third shall be apportioned among the counties on the basis of the ratio which the population of each county bears to the total population of the state.

(3) One-third shall be apportioned among the several counties on the basis of the ratio which the square mile area of the county bears to the total square mile area of the state.

Sums apportioned to the various counties under this section shall be used solely for the retirement of any bonded indebtedness of the county for roads and bridges, and thereafter for resurfacing roads already built and for surface treating of same.

By Mr. Arrowood.

H. B. 403. An Act relating to trade practices.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 365.010 of the Kentucky Revised Statutes is amended to read as follows:

(1) Except as provided in subsection (2) of this section, no person shall carry on, conduct or transact business in this state under an assumed name, or under any designation, name of style, corporate or otherwise, other than his real name,

unless such person has filed in the office of the county clerk of the county in which the principal office or place of business of the person is situated, a certificate setting forth the name under which the business is to be conducted or transacted, and his full name and post office address. The certificate shall be executed and duly acknowledged by each person intending to conduct the business.

(2) This section does not apply to corporations lawfully doing business in this state, nor does it prevent the lawful use of a partnership name or designation, if the partnership name or designation includes the true name of at least one of the persons transacting business.

(3) Each county clerk shall keep an alphabetical index of all persons filing certificates under this section, and shall receive a fee of twenty-five cents for indexing and filing each certificate. A copy of such certificate duly certified by the county clerk in whose office it is filed shall be presumptive evidence in all courts in this state of the facts therein contained.

By Mr. Seaton.

H. Res. 68. Resolution authorizing George Hunt and others to sue the Commonwealth.

WHEREAS, George Hunt, Joseph W. Bosley, and M. I. Forbes, were engaged in business under the partnership name of Hunt-Forbes Construction Company; and while so engaged in business entered into certain contracts with the Commonwealth of Kentucky relating to the construction of public highways; and

WHEREAS, the said George Hunt, Joseph W. Bosley, and M. I. Forbes say that the Commonwealth of Kentucky is still indebted to them; and that they have not been paid the

full amount to which they were entitled, NOW THEREFORE,

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That said George Hunt, Joseph W. Bosley, and M. I. Forbes, be and they hereby are authorized to bring and prosecute a suit against the Commonwealth of Kentucky, in either the Franklin Circuit Court or in the Boyd Circuit Court to have adjudicated their claim against the Commonwealth; and be it further resolved that if they obtain judgment against the Commonwealth, the amount thereof, together with court costs incurred, shall be paid by the Commonwealth out of the General Fund upon presentation of a certified copy of any final judgment to the Commissioner of Finance, who shall draw his warrant on the State Treasurer for the amount thereof and the court costs, in favor of the plaintiffs.

Either the plaintiffs or the defendant may appeal from the judgment of the Circuit Court to the Court of Appeals as in other civil cases; and the Attorney General may compromise and settle the plaintiffs' claim; and any compromise or settlement so agreed upon shall be paid out of the General Fund, and upon certification thereof to the Commissioner of Finance by the Attorney General, the Commissioner of Finance shall issue his warrant upon the State Treasurer in payment thereof.

By Mr. Shaikun.

H. Res. 69. Resolution for the benefit of J. L. Riehm, deputy sheriff of Jefferson County.

WHEREAS, J. L. Riehm, Jr., Deputy Sheriff of Jefferson County, Kentucky, incurred expenses in amount of $52.20 in transporting one James Elbert Minton from Chillicothe,

Ohio, to the Kentucky State Reformatory at La Grange, Kentucky, on October 3, 1943, and is lawfully entitled to be reimbursed by the Commonwealth therefor, NOW THEREFORE,

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That the sum of $52.20 is hereby appropriated from the General Fund of the Commonwealth of Kentucky in favor of the said J. L. Riehm, Jr., and the Department of Finance shall draw its warrant for such amount upon the State Treasurer in favor of the said J. L. Riehm, Jr.

By Mr. Thomas.

H. Res. 70. Resolution authorizing I. L. Storey to sue the Commonwealth.

A JOINT RESOLUTION authorizing and permitting I. L. Story, administrator of the estate of Iza Loraine Mason, deceased, to sue the Commonwealth of Kentucky and the State Highway Commission, or either.

WHEREAS, in the spring of 1939, while on Highway No. 35, near Rowena, Kentucky, Iza Loraine Mason, age six months, was drowned when the car in which she was riding ran off the end of a ferry which was operated by the employes of the State Highway Commission, and that death ensued shortly thereafter, and

WHEREAS, it is claimed that said negligence and gross carelessness of the agents, servants and employees of the State Highway Commission, in the operation and maintenance of the said ferry belonging to the State of Kentucky or the State Highway Commission, was the cause of said accident, and

WHEREAS, the estate of the said Iza Loraine Mason has been damaged because of said alleged carelessness and negligence of the said employees while in the discharge and conduct of the state's business. Now, therefore,

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That the said I. L. Story, administrator of the estate of Iza Loraine Mason, deceased, be, and he is hereby authorized and permitted to sue the Commonwealth of Kentucky, and the State Highway Commission, or either, in the Circuit Court of the county of his residence, for such damage as the estate of the said Iza Loraine Mason, deceased, may have suffered by reason of the death of the said Iza Loraine Mason, caused through the carelessness or negligence of the State Highway Commission, its agents or employees. Said suit shall be for any amount not to exceed $10,000.00, and in the event any judgment is recovered by said I. L. Story, administrator of the estate of Iza Loraine Mason, deceased, in said suit for the death of Iza Loraine Mason, or same is compromised or settled, same shall be paid by warrant drawn by the Commissioner of Finance on the State Treasury and paid out of the General Fund.

Either party to said suit may appeal from the judgment which may be entered therein as in any other civil suit and the case may be settled and adjudged with the consent and approval of the Attorney General of Kentucky in the same way as any other civil case.

Ordered that said bills be printed and referred

To the Committee on Rules.

Ordered that said resolutions be referred

To Committee on Rules.

Mr. Bolling moved that when the House adjourn today, it adjourn out of respect to the gallantry of Captain James Brock of Harlan County, Kentucky.

Said motion was agreed to.

Mr. Quill moved that the House do now adjourn.

Said motion was agreed to.

And then the House adjourned.

THURSDAY, MARCH 2, 1944

The House was called to order by The Honorable Harry Lee Waterfield, Speaker.

The House was opened with prayer by the Reverend C. W. Grant of the Methodist Episcopal Church of Frankfort.

The roll was called and the following members answered to their names, viz.:

Chas. W. Anderson	Willis Champion	T. H. Dyer
Henry Arrowood	J. H. Clarke, Jr.	Bernie S. Edlin
F. H. Bassett, Jr.	A. Roy Copeland	Dr. J. C. Gabbard
W. G. Biggers	Marvin Cornett	Chas. B. Gentry
Isaac Blevins	John Henry Cox	Franklin Goins
J. C. Bradley	John P. Craig	J. D. Gross
Jno. M. Burkhart	Fred Creasey	R. M. Hall
Chas. W. Burnley	Thos. S. Dawson	Jas. P. Hallahan
C. D. Call	Adron Doran	Claude Hammons
Fred Carpenter	J. R. Dorman	B. C. Holbrook

Benton Howard
Clyde S. Howard
Jerry F. Howell
J. J. Huff
W. N. Hughes
W. H. Hunt
Lee Johnson
Paul S. Jonas
Wm. E. Justice
H. Clay Kauffman
M. Kavanaugh
G. M. Knuckles
J. T. Linton
Homer E. Losey
A. L. Love
Pearl McKinney
Ed Marcum
C. C. May
Johnston Miller
Harry L. Moore
Herbert V. Moore
J. Lee Moore
L. D. Moore
C. Sid Nabb
Coy C. Nevitt
Jno. C. Newcomb
Joe E. Nunn
H. C. Patterson
Chester Peterson
Albert W. Pfeiffer
Sylvester Phillips
James T. Philpott
J. Gip Prather
L. W. Preston
Kleber F. Price
Edw. P. Prichard
James E. Quill
C. R. Reeves
L. Allen Rhoads
Wade H. Riley
H. G. Royalty
Amos Runyon
Carl Scheben
F. W. Schuhmann
Vernon Seaton
Leon J. Shaikun
Jno. W. Simmons
Faust Y. Simpson
George T. Smith
Robt. J. Spaulding
E. A. Spencer
Arthur Stallard
Geo. W. Steinford
Joe Stewart
C. W. Taylor
Egbert V. Taylor
Roy L. Taylor
H. Thieman, Jr.
Otis C. Thomas
E. B. Thompson
John L. Trumbo
S. J. Wagner
Harry F. Walters
R. E. West
Taylor Witt
Speaker Harry Lee Waterfield

Mr. Quill moved that when the House adjourns today, it adjourn out of respect to the memory of the father of The Honorable Ed Marcum, member of this House.

Said motion was agreed to.

Mr. Hammons moved that the House do now adjourn to meet again on Monday, March 6 at 7:30 P.M.

Said motion was disagreed to, having failed to receive the necessary majority under Rule 2 of this House which sets the regular hour for the convening of the House.

The yeas and nays being taken thereon were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	W. N. Hughes	J. Gip Prather
Henry Arrowood	W. H. Hunt	C. R. Reeves
W. G. Biggers	Lee Johnson	Carl Scheben
Isaac Blevins	Wm. E. Justice	F. W. Schuhmann
Willis Champion	G. M. Knuckles	George T. Smith
Marvin Cornett	Homer E. Losey	Robt. J. Spaulding
John P. Craig	Pearl McKinney	E. A. Spencer
Thos. S. Dawson	Ed Marcum	Arthur Stallard
T. H. Dyer	Harry L. Moore	C. W. Taylor
Bernie S. Edlin	Herbert V. Moore	Egbert V. Taylor
Dr. J. C. Gabbard	L. D. Moore	H. Thieman, Jr.
Chas. B. Gentry	Coy C. Nevitt	Otis C. Thomas
Jas. P. Hallahan	Jno. C. Newcomb	E. B. Thompson
Claude Hammons	Albert W. Pfeiffer	John L. Trumbo
B. C. Holbrook	Sylvester Phillips	R. E. West
J. J. Huff	James T. Philpott	Taylor Witt

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Those who voted in the negative were—

F. H. Bassett, Jr.	R. M. Hall	H. C. Patterson
J. C. Bradley	Benton Howard	Chester Peterson
Jno. M. Burkhart	Clyde S. Howard	L. W. Preston
Chas. W. Burnley	Jerry F. Howell	Kleber F. Price
C. D. Call	Paul S. Jonas	Edw. F. Prichard
Fred Carpenter	M. Kavanaugh	James E. Quill
J. H. Clarke, Jr.	J. T. Linton	L. Allen Rhoads
A. Roy Copeland	A. L. Love	Wade H. Riley
John Henry Cox	C. C. May	H. G. Royalty
Fred Creasey	Johnston Miller	Amos Runyon
Adron Doran	J. Lee Moore	Vernon Seaton
J. R. Dorman	C. Sid Nabb	Leon J. Shaikun
Franklin Goins	Joe E. Nunn	Jno. W. Simmons

Faust Y. Simpson	Thos. M. Swope	Harry F. Walters
Geo. W. Steinford	Roy L. Taylor	Speaker Harry
Joe Stewart	S. J. Wagner	Lee Waterfield

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Mr. Hammons moved that the House do now adjourn to meet again on tomorrow at one o'clock P.M.

Said motion was disagreed to, having failed to receive a majority of those voting.

The yeas and nays being taken thereon were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	J. J. Huff	James T. Philpott
Henry Arrowood	W. N. Hughes	C. R. Reeves
W. G. Biggers	W. H. Hunt	Carl Scheben
Isaac Blevins	Lee Johnson	F. W. Schuhmann
Willis Champion	Wm. E. Justice	George T. Smith
Marvin Cornett	G. M. Knuckles	Robt. J. Spaulding
John P. Craig	Homer E. Losey	E. A. Spencer
Thos. S. Dawson	Pearl McKinney	Arthur Stallard
T. H. Dyer	Ed Marcum	C. W. Taylor
Bernie S. Edlin	Harry L. Moore	Egbert V. Taylor
Dr. J. C. Gabbard	Herbert V. Moore	H. Thieman, Jr.
Chas. B. Gentry	L. D. Moore	Otis C. Thomas
J. D. Gross	Coy C. Nevitt	E. B. Thompson
Jas. P. Hallahan	Jno. C. Newcomb	John L. Trumbo
Claude Hammons	Albert W. Pfeiffer	R. E. West
B. C. Holbrook	Sylvester Phillips	Taylor Witt

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Those who voted in the negative were—

F. H. Bassett, Jr.	Chas. W. Burnley	Jno. H. Clarke, Jr.
J. C. Bradley	C. D. Call	A. Roy Copeland
Jno. M. Burkhart	Fred Carpenter	John Henry Cox

Fred Creasey	J. Lee Moore	Vernon Seaton
Adron Doran	C. Sid Nabb	Leon J. Shaikun
J. R. Dorman	Joe E. Nunn	Jno. W. Simmons
Franklin Goins	H. C. Patterson	Faust Y. Simpson
R. M. Hall	Chester Peterson	Geo. W. Steinford
Benton Howard	J. Gip Prather	Joe Stewart
Clyde S. Howard	L. W. Preston	Thos. M. Swope
Jerry F. Howell	Kleber F. Price	Roy L. Taylor
Paul S. Jonas	Edw. P. Prichard	S. J. Wagner
M. Kavanaugh	James E. Quill	Harry F. Walters
J. T. Linton	L. Allen Rhoads	Speaker Harry
A. L. Love	Wade H. Riley	Lee Waterfield
C. C. May	H. G. Royalty	
Johnston Miller	Amos Runyon	—48

A message was received from the Senate announcing that they had adopted the following resolution, viz.:

S. Res. 40. Whereas, the Legislative Digest since 1912 continuously has been adopted as the official publication of the General Assembly of Kentucky and during that time has come to be of invaluable assistance to the members of both branches of that body in following the course of legislation, and

Whereas, this year the Legislative Digest, as the official publication of the Kentucky General Assembly, has established an outstanding record for accuracy and comprehensive reporting of the daily status of all legislative measures, and

Whereas, the members of the Kentucky General Assembly are appreciative of the value of this publication, now therefore

Be It Resolved by the Senate, the House concurring therein, that the Kentucky General Assembly place itself on record as commending the Legislative Digest and in extending commendation and expressions of appreciation to the editors of that publication, William Harper and James B. Rhody.

Said resolution was then concurred in.

Mr. Simpson offered the following resolution, viz.:

Whereas, the House of Representatives of the Commonwealth of Kentucky has greatly concerned itself over the matrimonial status of its members, and

Whereas, the unmarried members of this honorable body have vainly attempted to make the necessary changes in their matrimonial status, and

Whereas, in their attempts to change this status during the 1944 Session of the General Assembly they have met with much opposition and competition from the married members of said Assembly, now therefore

Be It Resolved by the House of Representatives of the Commonwealth of Kentucky,

That the Speaker of the House shall instruct the sergeant-at-arms to forthwith contact the wives of all married members who are not now in Frankfort and direct them to proceed immediately to the City of Frankfort and remain here for the duration of the present session.

Said resolution was adopted.

At the instance of the Committee on Rules, the following bills and resolutions were reported, viz.:

H. B. 360. An Act providing engineering districts in the Department of Highways.

H. B. 288. An Act relating to boarding homes for children.

H. B. 391. An Act allowing members of county boards of education a per diem.

H. B. 308. An Act relating to motor vehicles.

With a Committee Amendment thereto by way of Substitute therefor.

H. B. 359. An Act to empower and direct municipalities to promulgate, administer and enforce airport zoning.

H. B. 309. An Act relating to motor vehicles.

With a Committee amendment thereto by way of Substitute therefor.

H. B. 290. An Act to impose a tax on natural gas.

S. B. 47. An Act providing for standard elementary teacher's certificate.

H. Res. 41. Resolution authorizing Chester Logan to sue the Commonwealth.

H. Res. 63. Resolution authorizing Leonard Preston and others to sue the Commonwealth.

S. B. 91. An Act to amend charges of cities of second, third, fourth, fifth and sixth class.

H. B. 270. An Act relating to salaries of the members of the General Assembly.

H. B. 387. An Act to provide for payment of salaries to state employees semi-monthly.

H. B. 264. An Act fixing commissions for county court clerks.

S. Res. 20. Resolution providing for payment of claim to Lee B. Kesler.

S. Res. 22. Resolution authorizing Bud Burkhart to sue the Commonwealth.

H. Res. 61. Resolution authorizing Jerry Hall to sue the Commonwealth.

H. Res. 62. Resolution providing for payment of a claim to D. A. Woodburn.

H. Res. 67. Resolution authorizing payment of costs and attorney's fees in Contest Case of Spillman vs. Phillips.

H. Res. 68. Resolution authorizing George Hunt and others to sue the Commonwealth.

H. Res. 69. A Resolution providing payment of a claim to J. L. Riem, Jr.

H. Res. 70. Resolution authorizing I. L. Storey to sue the Commonwealth.

With the expression of opinion that said bills and resolutions ought to pass.

Said bills and resolutions were read at length the first time and ordered to be placed on the Calendar.

At the instance of the Committee on Rules, the House took up for consideration from the Calendar bills of the following titles, viz.:

H. B. 397. An Act to amend the school laws in regard to transportation of pupils to school.

H. B. 237. An Act to impose tax of ten cents a ton on coal produced in this State.

H. B. 343. An Act relating to juvenile courts in cities of third class.

H. B. 365. An Act to regulate the operation of vehicles upon city streets.

H. B. 371. An Act to require State to pay all cost of acquiring rights of way for road purposes.

H. B. 370. An Act relating to the National Wartime Stabilization program.

H. B. 198. An Act relating to estate of married women.

H. B. 366. An Act to authorize the State Board of Health to establish medical scholarships.

H. B. 347. An Act relating to police courts in cities of second class.

S. B. 88. An Act providing for State owned automobiles.

S. B. 103. An Act relating to life insurance.

S. B. 45. An Act relating to banks.

S. B. 116. An Act relating to refund by the Unemployment Compensation Trust Fund to railroad employees.

S. B. 69. An Act relating to examination of mines.

S. B. 80. An Act relating to airports and landing fields

S. B. 51. An Act relating to Commonwealth's attorneys

S. B. 46. An Act relating to banks and trust companies.

H. B. 399. An Act relating to political activities of state employees.

H. B. 183. An Act prohibiting officers of employees of Highway Department from having pecuniary interest in contracts, etc.

H. B. 229. An Act relating to mines and minerals.

H. B. 310. An Act to create the Kentucky State Board of Stationary Steam Engine and Boiler Operator Examiners.

H. B. 400. An Act to amend the escheat law.

H. B. 218. An Act relating to the child labor law.

H. B. 271. An Act to authorize sheriffs to serve notices of increases in tax assessments made by boards of supervisors.

Ordered that said bills be read the second time.

The Constitutional provision as to the second reading of said bills at length having been dispensed with, said bills were read the second time by their titles only.

Ordered that said bills be placed in the Orders of the Day.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 313. An Act relating to the teaching of the Conservation and Preservation of Natural Resources in the Public Schools of Kentucky.

With a Committee Amendment thereto.

Said bill is as follows, viz.:

WHEREAS, the natural resources of this State, forests, soil, water, minerals and wild life, have been exploited and destroyed so that coming generations will be deprived of their sources of economic welfare, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Instruction in all phases of conservation and preservation shall be included in the curriculum of the public schools of Kentucky; and text books regarding the proper use and protection of forests, soils, water, minerals and wild life shall be prepared or selected by the State Board of Education for this purpose.

Said Committee amendment is as follows, viz.:

Amend H. B. 313 lines 5 and 6 by substituting "State Text Book Commission" in lieu of "State Board of Education."

Said amendment was agreed to.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with and the same having been engrossed, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	Benton Howard	Wade H. Riley
Henry Arrowood	Clyde S. Howard	H. G. Royalty
F. H. Bassett, Jr.	Jerry F. Howell	Amos Runyon
Isaac Blevins	J. J. Huff	Carl Scheben
J. C. Bradley	W. N. Hughes	F. W. Schuhmann
Jno. M. Burkhart	Lee Johnson	Vernon Seaton
C. D. Call	Paul S. Jonas	Leon J. Shaikun
Fred Carpenter	Wm. E. Justice	Jno. W. Simmons
Willis Champion	H. Clay Kauffman	Faust Y. Simpson
J. H. Clarke, Jr.	M. Kavanaugh	George T. Smith
A. Roy Copeland	G. M. Knuckles	Robt. J. Spaulding
Marvin Cornett	J. T. Linton	E. A. Spencer
John Henry Cox	Homer E. Losey	Arthur Stallard
John P. Craig	C. C. May	Geo. W. Steinford
Fred Creasey	Harry L. Moore	Joe Stewart
Thos. S. Dawson	Herbert V. Moore	Thos. M. Swope
Adron Doran	J. Lee Moore	C. W. Taylor
J. R. Dorman	L. D. Moore	Egbert V. Taylor
T. H. Dyer	C. Sid Nabb	Roy L. Taylor
Bernie S. Edlin	Joe E. Nunn	H. Thieman, Jr.
Dr. J. C. Gabbard	Chester Peterson	Otis C. Thomas
Chas. B. Gentry	Albert W. Pfeiffer	E. B. Thompson
Franklin Goins	Sylvester Phillips	John L. Trumbo
J. D. Gross	Kleber F. Price	S. J. Wagner
R. M. Hall	Edw. P. Prichard	Harry F. Walters
Jas. P. Hallahan	James E. Quill	R. E. West
Claude Hammons	C. R. Reeves	Taylor Witt
B. C. Holbrook	L. Allen Rhoads	—83

Resolved that the title thereof be as aforesaid.

Mr. Quill moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 293. An Act relating to the furnishing of copies of the Acts and Journals of the General Assembly to the State Teachers Colleges.

Mr. Howell moved the Previous Question.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 57.300 of the Kentucky Revised Statutes of 1942 is amended to read as follows:

The following officers and libraries are entitled free of charge to copies of the Acts of the General Assembly, as they are published: Members of the General Assembly that passed the Acts, the State Treasurer, Secretary of State, circuit judges, Commonwealth's attorneys, county attorneys, sheriffs, circuit clerks, county clerks, county judges and justices of the peace, one copy each; the Attorney-General, four copies; the Governor and the Auditor of Public Accounts, two copies each; the State Librarian, for the use of the Senate, ten copies, and for the use of the House of Representatives, thirty copies; the judge of each Federal court for Kentucky, one copy; the United States Circuit Court of Appeals at Cincinnati, one copy; the Supreme Court of the United States, three copies; the governor of each of the other states and the Secretary of

State for the United States, two copies each; the law library of each county, one copy; the Law Library of the University of Kentucky, three copies; the Law Library of the University of Louisville, two copies; the Library of the Kentucky State College for Negroes, three copies; the Library of Congress, seven copies; the Kentucky Historical Society, two copies; and each of the state teachers colleges in Kentucky, two copies.

§ 2. Section 57.310 of the Kentucky Revised Statutes of 1942 is amended to read as follows:

The following officers and libraries are entitled free of charge to copies of the journals of each house of the General Assembly, as they are published: Each member of the General Assembly, one copy for the session in which he served; county clerks and circuit clerks, one copy each; the Governor and Secretary of State, two copies each; the State Librarian, five copies for the use of the Senate and ten copies for the use of the House of Representatives; the Law Library of the University of Kentucky, the Law Library of the University of Louisville, the Library of the Kentucky State College for Negroes, the Library of Congress, and the Kentucky Historical Society, two copies each; and each of the state teachers colleges in Kentucky, three copies.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	Isaac Blevins	Chas. W. Burnley
Henry Arrowood	J. C. Bradley	C. D. Call
F. H. Bassett, Jr.	Jno. M. Burkhart	Fred Carpenter

A. Roy Copeland
Marvin Cornett
John Henry Cox
John P. Craig
Fred Creasey
Adron Doran
J. R. Dorman
T. H. Dyer
Bernie S. Edlin
Harry W. Ennis
Dr. J. C. Gabbard
Chas. B. Gentry
Franklin Goins
J. D. Gross
R. M. Hall
Jas. P. Hallahan
B. C. Holbrook
Benton Howard
Clyde S. Howard
Jerry F. Howell
J. J. Huff
W. H. Hunt
Lee Johnson
Paul S. Jonas
Wm. E. Justice
H. Clay Kauffman
M. Kavanaugh
G. M. Knuckles
J. T. Linton
Homer E. Losey
Pearl McKinney
C. C. May
Harry L. Moore
Herbert V. Moore
J. Lee Moore
L. D. Moore
C. Sid Nabb
Jno. C. Newcomb
Joe E. Nunn
H. C. Patterson
Chester Peterson
Albert W. Pfeiffer
Sylvester Phillips
J. Gip Prather
Kleber F. Price
Edw. P. Prichard
James E. Quill
C. R. Reeves
L. Allen Rhoads
Wade H. Riley
H. G. Royalty
Amos Runyon
Carl Scheben
F. W. Schuhmann
Vernon Seaton
Leon J. Shaikun
Jno. W. Simmons
Faust Y. Simpson
George T. Smith
Robt. J. Spaulding
E. A. Spencer
Arthur Stallard
Geo. W. Steinford
Joe Stewart
C. W. Taylor
Egbert V. Taylor
Roy L. Taylor
H. Thieman, Jr.
E. B. Thompson
John L. Trumbo
S. J. Wagner
R. E. West
Taylor Witt
Speaker Harry Lee Waterfield
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Resolved that the title thereof be as aforesaid.

Mr. Quill moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 194. An Act to amend Sec. 132.630 Kentucky Revised Statutes 1942 (1st Edition) and especially Section 2 thereof.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. That Section 132.630 Kentucky Revised Statutes 1942 (1st Edition) and especially Section 2 thereof be amended to read as follows:

(1) The county tax commissioner in counties containing a city of the first class shall annually, in January, report to the Department of Finance under oath the amount received by him on account of his official duties or position from all sources during the preceding year, and the amount paid out by him for deputies or assistants, giving the amounts paid to each and for expenses of his office. If it appears from this statement that he received as compensation on account of his office, from all sources, more than five thousand dollars after the payment of his deputies and assistants and all the expenses of his office, he shall, with such statement, pay to the Department of Finance the amount so received in excess of five thousand dollars.

(2) The annual salary of the deputy county tax commissioners, appraisers, transfer clerk and draftsmen shall be fixed by the County Judge by an order entered of record. The salary of the Chief Deputy shall not exceed three thousand three hundred dollars per annum, that of the first three deputies shall not exceed two thousand seven hundred and fifty dollars per annum, that of six appraisers shall not exceed two thousand five hundred dollars per annum, that of the other deputies and draftsmen shall not exceed two thousand

two hundred dollars per annum, and that of the transfer clerk shall not exceed one thousand two hundred dollars per annum. The total amount allowed for salaries for the county tax commissioner, his deputies and appraisers, draftsmen and transfer clerk, and all other expenses of the office including transportation expense for himself and deputies, shall not exceed in the aggregate the compensation allowed by K. R. S. 132.590. A copy of the order of the County Judge fixing the salaries, as well as a copy of any change made therein, shall be filed with the Department of Revenue by the County Clerk, when made.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	Fred Creasey	Benton Howard
Henry Arrowood	Thos. S. Dawson	Clyde S. Howard
F. H. Bassett, Jr.	Adron Doran	J. J. Huff
Isaac Blevins	J. R. Dorman	W. N. Hughes
J. C. Bradley	T. H. Dyer	W. H. Hunt
Jno. M. Burkhart	Bernie S. Edlin	Lee Johnson
Chas. W. Burnley	Harry W. Ennis	Paul S. Jonas
Fred Carpenter	Dr. J. C. Gabbard	Wm. E. Justice
Willis Champion	Franklin Goins	H. Clay Kauffman
J. H. Clarke, Jr.	J. D. Gross	G. M. Knuckles
A. Roy Copeland	R. M. Hall	J. T. Linton
Marvin Cornett	Jas. P. Hallahan	Homer E. Losey
John Henry Cox	Claude Hammons	A. L. Love
John P. Craig	B. C. Holbrook	Pearl McKinney

C. C. May	Edw. P. Prichard	Robt. J. Spaulding
Harry L. Moore	James E. Quill	E. A. Spencer
Herbert V. Moore	C. R. Reeves	Arthur Stallard
L. D. Moore	Wade H. Riley	Geo. W. Steinford
C. Sid Nabb	H. G. Royalty	Egbert V. Taylor
Jno. C. Newcomb	Amos Runyon	Roy L. Taylor
Joe E. Nunn	Carl Scheben	H. Thieman, Jr.
H. C. Patterson	F. W. Schuhmann	E. B. Thompson
Chester Peterson	Vernon Seaton	John L. Trumbo
Albert W. Pfeiffer	Leon J. Shaikun	S. J. Wagner
Sylvester Phillips	Jno. W. Simmons	Harry F. Walters
J. Gip Prather	Faust Y. Simpson	R. E. West
Kleber F. Price	George T. Smith	Taylor Witt

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Resolved that the title thereof be as aforesaid.

Mr. Quill moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 276. An Act to enable any city to establish, maintain and use a public works cumulative reserve fund.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Any city is hereby authorized, through its legislative body, to establish and maintain a Public Works Cumulative Reserve Fund to provide money for paying all or

part of the cost of a long range program of municipal public works; into which fund may be paid, transferred or credited any money raised by taxes specified to be for the use and benefit of such fund, together with any other money whether arising from taxes, loans, gifts, grants, or otherwise, as to which the legislative body of the city has or may hereafter have authority to and does order to be paid, transferred or credited to said fund.

Section 2. Any city, which pursuant to Section 1 hereof establishes a Public Works Cumulative Reserve Fund, is hereby authorized to levy or impose, from time to time, for the use and benefit of the said fund, any character of revenue tax which the said city is now, or may hereafter have authority to levy or impose; and to designate as the purpose for which any such tax is laid that the money raised thereby shall be paid into and be used as a part of the city's Public Works Cumulative Reserve Fund; or within the discretion of its legislative body, the city in levying or imposing such tax may designate that the proceeds thereof shall go into the Public Works Cumulative Reserve Fund to be used for a particular public work, naming it.

Section 3. The uses to which such a Public Works Cumulative Reserve Fund shall be devoted are to acquire, construct, maintain, alter, repair, or improve any municipal Public Works.

The term "Public Works" shall refer to lands, or buildings and structures, or either, or both, and shall include—municipal buildings wherein any governmental function of the municipality, or any department, or agency thereof, may be located and carried on; schools, cultural or recreational buildings, centers, structures or lands; bridges, viaducts, overpasses, and underpasses; streets, roads, highways, sidewalks, alleys; sewers, incinerators, garbage disposal plants and other

public sanitary structures or lands; public housing projects; public redevelopment or reclaimation projects; and public utilities;—the foregoing enumeration is to be construed as illustrative rather than exclusive, and other types of public buildings, structures or lands which appear useful or necessary for municipal purposes shall be included in the term "Public Works."

In any city which is or may be authorized to act jointly with a county in any governmental function, the term "Public Works" shall include any building, structure or land jointly improved and used by such city and county. Nothing in this Act shall be construed to authorize any city to acquire or construct any public work which it would lack authority, apart from this act, to acquire or construct if it had funds available to do so.

Section 4. The legislative body of any city, which establishes a Public Works Cumulative Reserve Fund pursuant to this Act, may, from time to time, designate any one or more public works, as the term is defined in Section 3, for which the fund, or parts thereof, shall be used and expended, provided that the proceeds of any tax designated under Section 2 to be used for a particular public work shall be used for that purpose only. The legislative body of the city shall determine when, and in what amount, the money in the Public Works Cumulative Reserve shall be expended, and make provisions for its withdrawal from the fund and provide for its expenditure by the city proper, through any of its departments, or agencies, or by any independent agency, board, commission, or authority, to which the city has, or may have, authority to appropriate money for capital outlay.

Section 5. All monies paid into, transferred or credited to a Public Works Cumulative Reserve Fund shall be accumulative in such fund until expended as herein provided, and

shall not, at any time, be subject to lapse into any other fund or become a surplus available for, or which may be used for, any other purpose than that herein specified.

Section 6. All money in any Public Works Cumulative Reserve Fund, prior to the time of its expenditure for some public works, may be invested by the city under the direction and authority of such city official, or board, as is designated by the city's legislative body to see to its investment. Such fund may be invested only in bonds and direct obligations of the United States Government and the interest and income from such investment shall be a part of the fund. The nature of such investments shall be as to facilitate the realization of the cash proceeds thereof as and when directed to be expended for public works, and so far as practical, maturity dates shall conform to the expected date of utilization of the funds invested.

Section 7. Whereas, at the conclusion of the War there will be an economic dislocation created by the termination of war contracts and the delay incident to the conversion of industry to peace-time activities which will result in widespread unemployment, during which period the several cities can aid greatly in taking up the slack of otherwise idle manpower on a program of municipal public works, provided they have funds then available, and it being imperative that this act take effect immediately so that the cities may commence to accumulate funds for such purposes, an emergency is declared to exist and this act shall take effect upon its passage and approval by the Governor.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	W. N. Hughes	James E. Quill
F. H. Bassett, Jr.	W. H. Hunt	C. R. Reeves
J. C. Bradley	Lee Johnson	H. G. Royalty
Jno. M. Burkhart	Paul S. Jonas	Amos Runyon
Chas. W. Burnley	Wm. E. Justice	Carl Scheben
C. D. Call	H. Clay Kauffman	F. W. Schuhmann
Fred Carpenter	M. Kavanaugh	Vernon Seaton
A. Roy Copeland	G. M. Knuckles	Leon J. Shaikun
Marvin Cornett	J. T. Linton	Jno. W. Simmons
John Henry Cox	Homer E. Losey	Faust Y. Simpson
John P. Craig	A. L. Love	Robt. J. Spaulding
Fred Creasey	Pearl McKinney	E. A. Spencer
Thos. S. Dawson	Johnston Miller	Arthur Stallard
J. R. Dorman	Harry L. Moore	Geo. W. Steinford
Bernie S. Edlin	L. D. Moore	Joe Stewart
Dr. J. C. Gabbard	C. Sid Nabb	Thos. M. Swope
Chas. B. Gentry	Jno. C. Newcomb	C. W. Taylor
Franklin Goins	Joe E. Nunn	Egbert V. Taylor
J. D. Gross	H. C. Patterson	Roy L. Taylor
R. M. Hall	Chester Peterson	H. Thieman, Jr.
Jas. P. Hallahan	Albert W. Pfeiffer	E. B. Thompson
Claude Hammons	Sylvester Phillips	John L. Trumbo
B. C. Holbrook	James T. Philpott	S. J. Wagner
Benton Howard	J. Gip Prather	R. E. West
Clyde S. Howard	Kleber F. Price	Taylor Witt

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Resolved that the title thereof be as aforesaid.

Mr. Quill moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 389. An Act to perfect the Kentucky Revised Statutes by repealing certain provisions that have been impliedly repealed or have become obsolete, or have been held unconstitutional by the Court of Appeals, correcting erroneous transpositions of words and figures, correcting inadvertent changes of language, restoring provisions of former statutes that were repealed under a misapprehension or by inadvertence, clarifying indefinite, ambiguous or misleading expressions and eliminating duplications.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 3.010 of the Kentucky Revised Statutes is amended to read as follows:

The Commonwealth of Kentucky consents to the acquisition by the United States of all lands and appurtenances in this state heretofore legally acquired, or that may be hereafter legally acquired by purchase, or by condemnation, for the erection of forts, magazines, arsenals, dock yards, post offices, custom houses, courthouses and other needful buildings, and for locks, dams and canals in improving the navigation of the rivers and waters within and on the borders of Kentucky.

§ 2. Subsection (1) of section 3.080 of the Kentucky Revised Statutes is amended to read as follows:

(1) Kentucky consents to the acquisition by the United States, by purchase or gift, or by condemnation, of such lands

within the boundaries of Kentucky as in the opinion of the United States are needed for the establishment of national forest reserves within prescribed areas. Before such establishment the written approval and consent of the Governor of Kentucky, recorded in his office, shall be given as to the area of lands acquired by the United States.

§ 3. Subsection (1) of section 25.120 of the Kentucky Revised Statutes is amended to read as follows:

(1) There shall be a regular term of the county court held by the county judge in each county once every month on Monday, and until changed as herein provided, shall be held on the same day it now is. The time of holding the county court in any county may be changed by an order made by the county judge and entered upon the records of the county court at the last regular term held in the year next preceding the year in which the change is made. Special terms of the county court may be held at any time for the transaction of any business except such as is specifically directed by law to be transacted at a regular term; and the court may adjourn from time to time until the business is disposed of, but no adjournment shall be to a time beyond the commencement of the next regular term.

§ 4. Subsection (2) of section 25.140 of the Kentucky Revised Statutes is amended to read as follows:

(2) When the county judge is absent from his office, or is unable or disqualified to act for some reason other than prejudice as contemplated by subsection (3) of this section, the county judge pro tem shall perform the duties of the regular county judge.

§ 5. Section 25.175 of the Kentucky Revised Statutes is amended to read as follows:

One year after appointment and annually thereafter, unless otherwise provided by law, every fiduciary must render an account of the execution of his trust to the court by which he was appointed, including in such account an itemized statement of receipts and disbursements supported by vouchers accompanying the same and a statement of all investments on hand and changes in investments since the filing of his last account. Provided, however, that guardians, committees and trustees under continuing trusts, after their first accounting, shall render their accounts thereafter biennially, or at shorter intervals if the court shall require it. Such settlements, when approved and confirmed by the court, shall be recorded and indexed by the clerk, and the original and the vouchers carefully kept by him in his office. An account shall be rendered by the fiduciary at any other time upon order of the court upon its own motion or that of any person interested in the trust, for good cause shown on affidavit. At the expiration of his trust such fiduciary must fully account for and pay over the trust estate to the person or persons entitled thereto. Every such account shall list all unpaid creditors whose claims have been allowed and all creditors whose claims have been disallowed. No account of a fiduciary except of corporate fiduciaries under the supervision of State or Federal banking authorities shall be approved until there are exhibited to the court, for its examination, the security or securities shown in said account as being in the hands of the fiduciary, or the certificate of a bank having possession thereof or in which they have been deposited for safekeeping, and a certified bank statement showing the funds to the credit of the trust.

§ 6. Section 25.230 of the Kentucky Revised Statutes is amended to read as follows:

(1) Where the county judge of any county containing a city of the second class appoints a special commissioner under

KRS 25.170, the special commissioner shall be paid by the fiduciary, out of the estate in his hands, a fee based on the amount of the personal estate collected and distributed to the beneficiaries in cash by the fiduciary (including net income from investments, but not including rents from real estate owned by the decedent at the time of death or the receipt of any item of personality that does not constitute an increase in the value of the estate), as follows:

(a) Where the amount is not more than five thousand dollars, a sum not to exceed five dollars;

(b) Where the amount is more than five thousand dollars, but not more than fifty thousand dollars, a sum not to exceed one-tenth of one percent;

(c) Where the amount is more than fifty thousand dollars, a sum not to exceed one-tenth of one percent on the first fifty thousand dollars, and one-twentieth of one per cent on the excess.

(d) Where the amount is more than one million dollars, no commission shall be charged on the excess.

(2) Where the fees allowed exceed two hundred dollars, the fiduciary may, upon motion after ten days' notice to the county judge or commissioner, have the reasonableness and adequacy of his compensation reviewed by the circuit court of the county.

§ 7. Section 28.310 of the Kentucky Revised Statutes is amended to read as follows:

In each county having a population of less than seventy-five thousand and an assessed valuation of more than one hundred million dollars and containing a city of the second class, the clerk of the county court may appoint such deputies

as may be necessary for the proper conduct of his office, except that the number of such deputies shall not exceed the number approved by the fiscal court. The salaries of the deputies shall be fixed by the fiscal court and paid out of the county levy in equal monthly installments. The salaries as so fixed shall not exceed $3,600 per annum for the chief deputy clerk, $3,000 per annum for the second and third deputy clerks, and $1,800 for any other deputy.

§ 8. A new section of the statutes is created, to be numbered KRS 36.005 and to read as follows:

As used in this chapter, "militia" means the Kentucky National Guard and the Kentucky Active Militia.

§ 9. Section 36.130 of the Kentucky Revised Statutes is amended to read as follows:

The Adjutant General, by and with the advice and approval of the Governor, shall appoint the officers and other personnel necessary for the proper functioning of the Department of Military Affairs, fix their salaries and prescribe their duties.

§ 10. Subsection (2) of section 37.990 of the Kentucky Revised Statutes is amended to read as follows:

(2) Any person, other than a member of the Kentucky Active Militia, who shall wear any uniform or insignia or badge duly authorized as a designation of an officer or an enlisted man of the Kentucky Active Militia, shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than one dollar nor more than ten dollars.

§ 11. Subsection (1) of section 38.030 of the Kentucky Revised Statutes is amended to read as follows:

(1) When an actual or threatened invasion, insurrection, domestic violence, tumult, riot, breach of the peace or other danger makes it necessary to enforce the law or to preserve the peace and the security of the rights, lives or property of the citizens, the Governor may order into active field service all or any part of the National Guard. He may by his order prescribe the duty to be performed by the troops ordered into active field service. The Governor may direct the commanding officer of the troops ordered into service to report to any circuit judge, county judge or mayor, in which case the judge or mayor may direct the specific object to be accomplished by the tactical direction and disposition of the troops and the particular means to be employed shall be left solely to the military officers.

§ 12. Section 61.290 of the Kentucky Revised Statutes is amended to read as follows:

(1) Except in counties containing a city of the first class and counties and cities required by law to publish a quarterly or annual audit of their financial affairs, of the kind and character contemplated by this section, every public officer of any county, graded school district, city, or subdivision or district less than a county, whose duty it is to collect, receive, have the custody, control or disbursement of public funds, shall at the expiration of each fiscal year prepare an itemized, sworn statement of the funds collected, received, held or disbursed by him during the fiscal year just closed. The statement shall show the amount of public funds collected and received, from what sources received, the amount disbursed, the date of each disbursement, for what purpose expended and to whom paid. The officer shall procure, and include in or attach to the report as a part thereof, a certificate from the cashier or other proper officer of the banks in which the funds are or have been deposited during the past year, showing the balance, if any, of public funds to the credit of the officer making

the statement. The officer shall, within thirty days after the close of the fiscal year, cause the statement to be published in full in the newspaper published in the county that has the largest bona fide circulation therein, and shall file a written or printed copy of the statement, subscribed and sworn to, in the office of the county clerk of the county in which the officer holds office. The publications required by this section shall be made in the size of type provided by law and at the rate provided by law, and paid for out of the public funds in the hands of the officer making the statement.

(2) Any public officer who fails, refuses or neglects to comply with the provisions of this section shall be fined not less than fifty nor more than five hundred dollars. The fine shall be paid into the treasury of the county or city in which the convicted officer holds office.

§ 13. Subsection (7) of section 61.310 of the Kentucky Revised Statutes is amended to read as follows:

(7) Except as provided in KRS 61.360 and 277.280, any person who directly or indirectly pays or contributes or causes to be paid or contributed any money or other thing of value to any peace officer or to any governmental unit or officer thereof, either as a gift or donation or for the performance of any public duty or for the performance of private employment as guard or watchman or other similar private employment, shall be fined not less than five hundred nor more than five thousand dollars.

§ 14. Subsection (1) of section 64.035 of the Kentucky Revised Statutes is amended to read as follows:

(1) All fees collected by the county clerk in each county having a population of less than seventy-five thousand and an assessed valuation of more than one hundred million dollars and containing a city of the second class shall be paid to the

treasurer of the county at the end of each month and when such payments are made he shall file with the fiscal court an itemized list of the amounts collected by him during each month. In such counties the county court clerk shall be compensated by salary only, which salary shall be fixed by the fiscal court and paid out of the county levy in equal monthly installments.

§ 15. Section 68.070 of the Kentucky Revised Statutes is repealed.

§ 16. Subsection (1) of section 68.260 of the Kentucky Revised Statutes is amended to read as follows:

(1) The proposed county budget adopted by the county budget commission and approved by the State Local Finance Officer as to form and classification shall be submitted to the fiscal court for adoption at the time fixed for the adoption of the county levy and budget, but not later than July 1 of each year. The county budget commission shall cause a copy of the proposed budget to be posted in a conspicuous place in the court house near the front door, and to be published in a newspaper of bona fide general circulation in the county, at least ten days before final adoption by the fiscal court.

§ 17. Subsection (3) of section 70.320 of the Kentucky Revised Statutes is amended to read as follows:

(3) In counties containing a population of over 250,000, each deputy constable appointed by the constable shall be exclusively compensated for the performance of the duties of his office by a salary which shall continue as now fixed by law and paid in equal monthly installments out of the county treasury, but the amount paid to each deputy constable shall in no event exceed the amount paid to the county by him, pursuant to KRS 64.200, during the preceding month; provided, however, that such salary may be increased or de-

creased to the amount fixed by the constable by written recommendation to the fiscal court of the county, which recommendation shall become effective upon its approval by resolution of the fiscal court.

§ 18. Section 71.080 of the Kentucky Revised Statutes is amended to read as follows:

In counties having a population of less than 75,000 and containing city of the second class the number and salaries of jailer's deputies, guards and turnkeys shall be fixed by the fiscal court. The annual salary of the chief deputy shall be not more than $2,400 nor less than $1,800. The annual salary of each of the other deputies, guards or turnkeys shall be not more than $1,800 nor less than $1,200. The order fixing the number and salaries of deputies, guards and turnkeys shall be signed by the presiding officer and entered in the order book of the fiscal court. The salaries of the deputies, guards and turnkeys shall be paid out of the fees allowed the jailer.

§ 19. Section 72.060 of the Kentucky Revised Statutes is amended to read as follows:

The coroner shall swear witnesses and commit to writing the substance of the evidence given before the jury, designating each witness and his testimony. If a person is found guilty of murder or manslaughter or of being an accessory thereto, by the inquest, the coroner shall recognize the witnesses examined before him to appear before the circuit court on the first day of the next term, and shall forthwith return the recognizances with the inquest and testimony to the circuit court clerk's office.

§ 20. Sections 80.255, 80.256 and 80.257 of the Kentucky Revised Statutes, having performed their function, are repealed.

§ 21. Section 89.270 of the Kentucky Revised Statutes is amended to read as follows:

(1) At the termination of each fiscal year the board of commissioners of cities of the second, third and fourth classes shall cause one or more competent accountants to make a complete examination of the books and accounts of the city, and shall cause the result of such examination to be published and to be printed in pamphlet form. A copy of the report in pamphlet form shall be given to each voter who applies for it at the proper office.

(2) The publications required by subsection (1) of this section shall be made in the official newspaper, in cities of the second and fourth classes, or in any newspaper published in the city, in cities of the third class.

§ 22. Section 90.240 of the Kentucky Revised Statutes is repealed.

§ 23. Subsection (2) of section 91.130 of the Kentucky Revised Statutes is amended to read as follows:

(2) The commissioners, other than the mayor and the president of the board of aldermen, shall be chosen by the board of aldermen for a term of three years and until their successors have qualified. The board of aldermen shall, in October of each year, elect a commissioner to fill the place of the commissioner whose term expires that year. If the board of aldermen fails to elect in that month, the election shall be made by the commissioners themselves. If the person elected by the board of aldermen fails to qualify within ten days after his election, he shall be regarded as declining to act, and the commissioners shall, at one of their regular meetings, elect a person to fill the vacancy. The commissioners shall fill any vacancies in their membership occurring other than by expiration of term.

§ 24. Subsection (4) of section 92.360 of the Kentucky Revised Statutes is amended to read as follows:

(4) Where the special object or purpose for which a tax was levied by any city of the second to sixth class has been accomplished, any amount remaining in the special fund for that tax shall become a part of the general revenue fund of the city. In any city of the second, third, fourth, fifth or sixth class where all or any part of a special fund so transferred to the general fund remains unexpended and has not been commingled with other funds in such a way as to lose its identification, the city may return the same to a special reserve fund for an object or purpose similar to that for which the fund was originally accumulated and may invest the same in investments in which other funds of the city may lawfully be invested until such time as it is necessary to expend the fund for such purpose.

§ 25. Subsection (2) of section 94.360 of the Kentucky Revised Statutes is amended to read as follows:

(2) Upon the adoption of an ordinance by the city legislative body directing the closing of the whole or any portion of a public way, the city attorney, or, in cities of the second class, the city solicitor, shall institute an action in the circuit court to have it closed. All the owners of ground in the squares or lots divided by that public way, or the portion proposed to be closed, shall be made defendants. If all defendants are competent to act for themselves and fail to object to the closing prayed for, the court shall render a decree accordingly, but if any defendants object, or are under disability other than coverture, the court shall empanel a jury, which shall hear evidence and determine the amount of compensation in the form of damages to be paid to each defendant. The court shall then direct that the public way be closed upon payment to each defendant of the damages awarded to him, or, if any defendant refuses or is unable to accept payment, upon payment into court of the amount awarded that defendant. The court shall give these proceedings precedence over other cases.

§ 26. Subsection (1) of section 96.010 of the Kentucky Revised Statutes is amended to read as follows:

(1) At least eighteen months before the expiration of any franchise acquired under or prior to the present Constitution, the legislative body of each city shall provide for the sale of a new franchise to the highest and best bidder on terms that are fair and reasonable to the city, to the holder of the franchise and to the patrons of the utility. The terms shall specify the quality of service to be rendered and, in cities of the first class, the price that shall be charged for the service.

§ 27. Section 96.520 of the Kentucky Revised Statutes is repealed.

§ 28. Subsection (1) of section 96.530 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any city that has acquired or constructed an electric light, heat and power plant under the provisions of section 96.520 of the Kentucky Revised Statutes of 1942, or under the Act of 1932 which was superseded by said section of the Kentucky Revised Statutes, shall, by ordinance, appoint a city utility commission consisting of three commissioners to operate, manage and control the plant. The utility commission shall have absolute control of the plant in every respect, including its operation and fiscal management and the regulation of rates, except that in fixing rates the commission shall be governed by the provisions of KRS 96.430, which are hereby made applicable to electric plants, and by any ordinance enacted under that section. The commission shall provide rules for the management of the plant. Out of the revenue of the plant it shall pay operating expenses, repairs and necessary additions and provide sufficient reserve fund against any emergency that may arise. The commission shall

from time to time pay to the city the surplus revenue derived from the operation of the plant as is provided in KRS 96.430 and 96.440, which are hereby made applicable to electric plants.

§ 29. Section 100.098 of the Kentucky Revised Statutes is repealed.

§ 30. Subsection (1) and (2) of section 118.170 of the Kentucky Revised Statutes are amended to read as follows:

(1) Except as provided in KRS 118.175 and in subsections (4), (5) and (6) of this section, the county clerk of each county shall cause to be printed on one ballot the names of all candidates of his jurisdiction who have been properly nominated for any office specified in the ballot and whose nominations have not been withdrawn as provided in KRS 118.160. All nominations of any party or group of petitioners shall be printed under the title and device designated by them in their certificate or petition, or if none is designated, under some suitable title and device. If the same device for designating candidates is selected by two parties or groups of petitioners it shall be given to the one that first selected it, and the clerk shall select a suitable device for the other.

(2) Except as provided in KRS 118.175 and in subsections (4), (5) and (6) of this section, the ballots shall in general conform, as nearly as practicable, to the following plan:

(a) The list of the candidates of the various parties shall be printed in parallel columns, in such order as the Secretary of State directs, precedence being given to the party that polled the higher number of votes for the head of the ticket in the last preceding election. The device of each party shall be placed at the head of the list of candidates of the party. The

device shall not be enclosed in a square, but immediately under the device shall be placed a circle one inch in diameter. Immediately under it shall be placed the name or title of the party ticket, and immediately under the name or title shall be placed the list of candidates of the party, the name of each candidate having immediately on its right a small square large enough to contain the cross mark by which the voter is required to designate his vote. Underneath the name of each candidate shall be left a blank space large enough to contain a written name. If upon any ticket there is no candidate for a designated office, a blank space equal to the space that would be occupied by the name of a candidate for that office shall be left.

(b) At the top of all official ballots to be used in any primary, general or special election in any county, and separated from it by a perforated line, shall be a stub, containing the consecutive number of the ballot and a space for the name, residence and registration number of the voter, and at the bottom of said ballot there shall be a secondary stub, separated from it by a perforated line, and said secondary stub shall contain the consecutive number of the ballot and a space for the name, residence and registration number of the voter.

(c) On the back shall be printed "Official Ballot," the date of the election and a facsimile of the signature of the clerk who has caused the ballot to be printed. There shall also be printed on the back of the ballot a blank line followed by the work "Clerk" and a blank line followed by the word "Judge."

(d) The ballots shall be bound, with attached stubs, into books, one for each voting precinct. Upon the covers of the books shall be printed the designation of the precinct for which the ballots have been prepared, and on the inside of one of the covers shall be printed the form prescribed in subsection (2) KRS 118.410.

§ 31. Section 118.180 of the Kentucky Revised Statutes is amended to read as follows:

(1) All ballots shall be printed on number one opaque white book paper, weighing eighty pounds to the ream on the basis of a twenty-six by forty inch sheet, or forty pounds to the ream on the basis of a double cap sheet. The county clerk shall notify the Secretary of State forty-five days before the day of election of the size and the number of ballots that will be necessary for his county, estimating five percent more to the precinct than there are registered voters in the county, and the Secretary of State shall furnish the paper within five days after the notification by the county clerk.

(2) The county clerk shall have the power and duty of contracting for the printing of the ballots.

§ 32. Subsection (1) of section 118.400 of the Kentucky Revised Statutes is amended to read as follows:

(1) The county board of election commissioners shall issue certificates of election where the successful candidate was voted for by a district less than one county. The board shall forward the certificate to the elected candidate, unless he has failed to comply with KRS 123.060, 123.070 or 123.080, and shall file a copy of the certificate with the county court clerk. If the board finds that two or more candidates have received the highest and equal number of votes for the same office, the board shall determine by lot which of the candidates is elected.

§ 33. Subsection (2) of section 118.420 of the Kentucky Revised Statutes is amended to read as follows:

(2) The Senate Board of Election Commissioners shall meet to count and tabulate the votes received by the different

candidates as certified to the Secretary of State under KRS 118.400, when the returns are all in, or on the third Monday after the election whether they are in or not, but if all the returns are not made the right to contest an election shall not be impaired. Any two of the members of the board may act in the absence of the third. The board shall make out the certificates of election in the office of the Secretary of State, from the returns made. The board shall make out duplicate certificates of election, in writing, over the signature of its members. The board shall forward the original certificate, by mail, to the elected candidate, unless he has failed to comply with KRS 123.060, 123.070 or 123.080. The duplicate shall be filed in the office of the Secretary of State. In the case of the election of a Representative in Congress, an additional certificate shall be made and sent, by mail, to the clerk of the House of Representatives.

§ 34. Section 123.070 of the Kentucky Revised Statutes is amended to read as follows:

(1) Every candidate for election to any state, county, city or district office shall, on the fifteenth day before the day of election, file with the officer with whom certificates of nomination for the office in question are required to be filed, a statement and oath in the same form and manner as provided for in subsection (1) of KRS 123.060, containing like information with respect to contributions, disbursements, expenditures and promises made in endeavoring to secure his election or in support and in connection with the election of any other person to be voted for at the same time.

(2) Every such candidate shall also, within thirty days after the election, make out and file with the chairman of the canvassing board authorized to issue the certificate of election for the office in question, a statement and oath in the same form and manner, relating to matters occurring after the filing

of the statement provided for in subsection (1) of this section.

(3) The statements required by this section are in addition to those required by KRS 123.060.

§ 35. Section 132.200 of the Kentucky Revised Statutes is amended to read as follows:

All property subject to taxation for state purposes shall also be subject to taxation in the county, city, school or other taxing district in which it has a taxable situs, except the classes of property described in KRS 132.030 and 132.050, and the following classes of property, which shall be subject to taxation for state purposes only:

(1) Farm implements and farm machinery owned by a person actually engaged in farming and used in his farm operation.

(2) Live stock and domestic fowls.

(3) Capital stock of building and loan associations.

(4) Machinery and products in course of manufacture, of individuals or corporations actually engaged in manufacturing and their raw material actually on hand at their plants for the purpose of manufacturing. Individuals or corporations actually engaged in the printing, publication and distribution of a newspaper or operating a job-printing plant shall be deemed to be actually engaged in manufacturing.

(5) Unmanufactured agricultural products, except that cities and counties may each impose an ad valorem tax of not exceeding fifteen cents on each one hundred dollars of the fair cash value of all unmanufactured agricultural products sub-

ject to taxation within their limits that are not actually on hand at the plants of manufacturing concerns for the purpose of manufacturing, nor in the hands of the producer or any agent of the producer to whom the products have been conveyed or assigned for the purpose of sale.

(6) Money in hand, notes, bonds, accounts and other credits, whether secured by mortgage, pledge or otherwise, or unsecured, and shares of stock, except that nothing in this section shall forbid local taxation of franchises of corporations or of the shares of banks, trust companies or combined banks and trust companies doing business in this state, or domestic life insurance companies.

§ 36. Subsection (1) of section 132.580 of the Kentucky Revised Statutes is amended to read as follows:

(1) The county clerk shall issue summons in the name of the Commonwealth, in which shall be stated the offense in general terms, against each person refusing to list his property for taxation or refusing to make oath of the same, as contemplated by subsection (3) of KRS 132.450, returnable to the next term of the county court, which shall hear and determine the case. The defendant may, before the trial is begun, demand a jury, which shall be composed of housekeepers and be summoned by the sheriff. If the defendant is found guilty the court shall enter judgment for a fine of not more than fifty dollars and costs, and execution shall be issued for that amount. The court shall assess the taxable property upon the sworn statement of the defendant, or upon such other evidence as it may be able to obtain. The amount of the assessment shall be certified by the county clerk to the sheriff and the Department of Revenue, and the tax shall be collected and accounted for as other taxes.

§ 37. Subsection (1) of section 132.590 of the Kentucky Revised Statutes is amended to read as follows:

(1) The county tax commissioner, after he has returned his assessment books to the county clerk, shall present to the county court his account, verified by affidavit, stating the total assessed value of the property listed by him as shown by his assessment books, and the county court shall approve and allow eighty percent of the amount due him, based upon his assessment, exclusive of family exemption and other property listed as nontaxable. When a copy of the order of allowance is presented to the Department of Finance, it shall, upon approval by the Department of Revenue, authorize payment to the county tax commissioner of the amount approved and allowed. When the county board of supervisors has completed its work and its report has been certified to the Department of Revenue showing the total assessed value of the property of the county, the county tax commissioner shall present his account for the balance due to the county court, which shall be allowed in the manner provided by law. Upon approval by the Department of Revenue of the balance due, the Department of Finance shall authorize payment to the county tax commissioner of the remaining twenty percent due, based on the total value of the assessment of taxable property made by him as finally equalized by the county board of supervisors.

§ 38. Section 133.015 of the Kentucky Revised Statutes is repealed.

§ 39. Section 133.015 of the Kentucky Revised Statutes is renumbered to be section 133.125 and amended to read as follows:

(1) The county court clerk shall act as clerk of the board of supervisors, and he shall keep an accurate record of the

proceedings and orders of the board. The record shall show the name of the owner of the property, the description, the class of property, the amount with which the county tax commissioner assessed the property and the amount of assessment made by the board of supervisors. It shall be filed in the office of the clerk and a certified copy submitted to the Department of Revenue within fifteen days after the adjournment of the board. The clerk shall also report as a part of this record the net increase or decrease in assessed valuation for each class of property considered by the board. The clerk shall be allowed three dollars per day for his services, and he shall be paid in the same manner as members of the boards of supervisors are paid. Provided, that the clerk shall be allowed not exceeding five days after adjournment of the board of supervisors for the correction of the tax books. The clerk shall be entitled to the payment of fifteen cents for the preparation of each schedule of omitted intangibles assessed by the board with reference to an appeal to it.

(2) The county clerk shall certify to the county court the approval of the tax books, and the court shall enter this fact of record. The court shall enter also the amount due the supervisors for their services. On a presentation of a copy of the order, the Department of Finance shall draw a warrant on the State Treasurer in favor of the county tax commissioner for the portion of his claims, as provided by KRS 132.590, and the amount due the supervisors and clerk for their services.

§ 40. Section 133.170 of the Kentucky Revised Statutes is amended to read as follows:

(1) When the Kentucky Tax Commission has completed its equalization of the assessment of the property in the county, it shall certify its action to the county judge, with a copy of the certification for the county clerk, to be laid before

the fiscal court of the county. The fiscal court, in a regular or special session, may direct that the equalization be submitted to the courts for review and correction if it is of the opinion that the equalization is unfair and unjust to the taxpayers of the county.

(2) If the fiscal court deems it proper to ask for a review of the equalization, it shall pass a resolution to that effect, a copy of which shall be forwarded to the Kentucky Tax Commissioner within ten days after the final certification has been placed in the hands of the county clerk. Within ten days from the date the final certification was placed in the hands of the county clerk, the fiscal court of the county, through the county attorney, may prepare a statement showing in detail wherein the action of the commission is unfair or unjust to the county, and file it in the office of the circuit court clerk of Franklin County. A copy of the statement shall at the same time be filed with the commission. Within fifteen days thereafter the commission through the Attorney General, may file an answer. Within fifteen days after the answer is filed, the county shall prepare and file its proof in support of its contentions, which may be by affidavits or depositions, and within fifteen days after the county has filed its proof, the commission shall prepare and file proof in support of its position, which may be by affidavits or depositions. When the proof is thus filed, the circuit court clerk shall forthwith place in the hands of the judge of the Franklin circuit court all papers and proofs, and the judge shall hear and render judgment in the controversy within ten days after the papers are placed in his hands. The judgment shall be returned by him to the circuit court clerk, who shall enter it as the judgment in the controversy. It shall have the same effect as a judgment duly entered at a regular term and shall be binding on all parties, and conclusive of the controversy unless an appeal is taken.

(3) If either party to the controversy is dissatisfied with the judgment rendered he may appeal to the Court of Appeals within ten days thereafter. The circuit court clerk need not copy the record but shall transmit to the Clerk of the Court of Appeals the original record with a certification that it is the complete record. The appeal shall immediately be placed upon the docket of the Court of Appeals and shall take precedence over other cases in the court. The appellant shall file its brief within ten days after the case is placed upon the docket, and the appellee shall file its brief within ten days thereafter, and the case shall be submitted upon the filing of the brief of the appellee.

(4) If the judgment of the circuit court upholds the action of the Kentucky Tax Commission, the county clerk shall proceed in accordance with the directions previously certified; if the judgment modifies the certification, the commission shall make a new certification in accordance with the judgment. If an appeal is taken from the judgment of the circuit court, all proceedings shall be suspended until the matter is determined by the Court of Appeals. If the action of the Kentucky Tax Commission is upheld by the Court of Appeals, the county clerk shall proceed in accordance with the original certification; if the action is modified by the decision of the Court of Appeals, a new certification shall be made in conformity to the decision. No petition for rehearing shall be filed.

§ 41. Section 133.180 of the Kentucky Revised Statutes is amended to read as follows:

When the Kentucky Tax Commission has completed the equalization of the assessment of the property in any county, the Department of Revenue shall, not later than June 1, charge the amount of taxes due from the county to the sheriff of the county, and certify to the county clerk the amount of taxes due. The county clerk shall affix the certification to the

tax books and enter it of record in the order book, and it shall be the sheriff's or collector's warrant for the collection of taxes.

§ 42. Section 133.190 of the Kentucky Revised Statutes is renumbered to be section 133.046 and amended to read as follows:

(1) As soon as the tax commissioner has completed his work and the tax rolls have been available in his office for inspection for fifteen days, such tax rolls shall be delivered by the tax commissioner to the county court clerk who shall make and record a recapitulation (second recap) of the tax commissioner's books in accordance with his final assessments. The clerk shall file the recapitulation with the Department of Revenue within five days after the books are received by him. For making and recording this recapitulation the county clerk shall be allowed ten cents a line for each line across the page, including the last total value.

(2) After the tax rolls have been delivered to the county clerk, he shall retain permanent custody of them.

§ 43. Section 133.220 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Department of Revenue shall annually furnish to each county clerk sufficient tax bills and stubs for his use in the preparation of the tax books of his county. The number furnished shall not exceed ten percent more than the number of tax bills used the previous year.

(2) After receiving the forms the county clerk shall make out for the use of the sheriff or collector a book of tax bills and stubs. The book shall contain a correct tax bill and stub for each taxpayer in the county who has been listed by the county tax commissioner or board of supervisors of tax, or by the

county clerk, and whose taxable property has been supervised by the board of supervisors of tax and equalized by the Kentucky Tax Commissioner. If the book is bound the cost of binding shall be paid out of the county levy. Each tax bill and stub shall show the rate of tax upon each one hundred dollars worth of property for state, county and school purposes; the name of the taxpayer; the number of acres of farm land and its value; the number of lots and their value; the amount and value of notes and money; the value of mixed personal property; the county poll, the school poll; the school tax; the exemptions; and the total amount of taxes due the state, county, school fund and other levies. The county clerk shall attest each tax bill and stub by signing it officially. In counties containing a city of the first class the clerk, at the time of making out the tax bills, shall cause the bill number of each tax bill to be inserted in front of the name of the taxpayer on the assessment roll.

(3) The book of tax bills and stubs shall be delivered to the sheriff or collector by the county clerk within thirty days after the Department of Revenue has certified the tax rate of the state and the valuation fixed by the Kentucky Tax Commission upon the property of the county for tax purposes. The clerk shall take a receipt showing the number of tax bills and each additional line, and the total amount of tax due the state, county and school fund from all the tax bills. The receipt shall be signed and acknowledged by the sheriff or collector before the county clerk, filed in the county court, and recorded in the order book of the county court in the manner required by law for recording the official bond of the sheriff.

(4) When the county clerk has forwarded his final recapitulation to the Department of Revenue, as provided in KRS 133.190, he shall immediately make out the tax bills of all taxpayers who are liable for a poll tax and who assess no property for taxation. When the bills are made out, the clerk shall immediately turn them over to the sheriff for collection.

§ 44. Section 134.020 of the Kentucky Revised Statutes is amended to read as follows:

All state, county and district taxes, except as otherwise specifically provided, shall be due and payable on October 1 of the year following the year containing the July 1 as of which such taxes were assessed. Any taxpayer who pays his state, county, or district taxes by November 1 after they become due in any year shall be entitled to two percent discount thereon, and the sheriff shall allow the discount and give a receipt in full to the taxpayer. The sheriff may, at any time after the taxes mentioned in this section become due, receive less than the face amount of the tax bill as a credit on the amount due, including the amount of any penalties then due, and every such payment shall be credited upon the tax bill or upon sheets annexed thereto for that purpose, and acknowledged in writing or by a rubber stamp, indicating the amount so paid to the sheriff. All taxpayers whose taxes are not paid by the last day of February after they become due shall be deemed delinquent, and shall pay a penalty of six percent on the taxes due and unpaid. The sheriff shall collect the penalty and account for it as he is required to collect and account for the taxes.

§ 45. Subsection (1) of section 134.310 of the Kentucky Revised Statutes is amended to read as follows:

(1) The sheriff shall annually settle his accounts for county and district taxes with the fiscal court, on or before May 10. The fiscal court shall appoint some competent person other than the Commonwealth's or county attorney to settle the accounts of the sheriff for money due the county or district. The report of this settlement shall be filed in the county clerk's office and approved by the county court. The settlement shall show the amount of poll tax and ad valorem tax collected, and an itemized statement of the money disbursed.

§ 46. Section 136.090 of the Kentucky Revised Statutes is amended to read as follows:

(1) In order to ascertain the amount of taxes due and payable by corporations liable to taxation under KRS 136.070, every such corporation shall file with the Department of Revenue each year, on forms prepared by the department, a written report, verified by the affidavit of the president or secretary of the corporation. This report shall give the name of the corporation; the name of the state or government under the laws of which it is incorporated; the date of incorporation; the place of its principal office in and out of this state; the name and address of its president and secretary; the name and address of its authorized agent or attorney upon whom process may be executed in this state; the name and address of the officer or agent in charge of its business in this state; and the nature and kind of business in which it is engaged.

(2) The report shall also give the total value of all the property owned and used by the corporation; the value and location of the property owned and used by it in this state; the aggregate amount of business transacted by it during the preceding calendar year or fiscal year; the amount of such business transacted in this state; and such other facts bearing on proper taxation as the department requires.

§ 47. Section 136.380 of the Kentucky Revised Statutes is repealed.

§ 48. Subsection (2) of section 141.210 of the Kentucky Revised Statutes is repealed.

§ 49. Section 157.054 of the Kentucky Revised Statutes is amended to read as follows:

The special fund shall be allotted to the local boards of education which meet the provisions of KRS 157.052 to 157.055 by the Superintendent of Public Instruction with the approval of the State Board of Education on or before April 1 prior to the beginning of each school year. The funds so allotted shall

be distributed to the local boards of education regularly as a supplement to the state per capita funds provided for such districts.

§ 50. Section 158.110 of the Kentucky Revised Statutes is amended to read as follows:

Boards of education shall furnish transportation from their general funds or otherwise for pupils of elementary grade who do not reside within reasonable walking distance of the school provided for them, and any board of education may provide transportation from its general funds or otherwise for any pupil of any grade who does not live within a reasonable walking distance from the school provided for him. The boards of education shall adopt such rules and regulations as will insure the comfort, health and safety of the children who are transported, consistent with the rules and regulations of the State Board of Education dealing with the transportation of pupils.

§ 51. Section 160.240 of the Kentucky Revised Statutes is amended to read as follows:

(1) The general election laws shall apply to all elections of school board members. The sheriff of the county in which the school district is situated shall provide for each precinct in the district a separate box for the reception of ballots used in the election of members of the board of education. The judge of election of the opposite political party to the clerk of election in each precinct shall issue the school ballots and observe, as to these ballots, the regulations for the issue and deposit of ballots as are prescribed for elections generally.

(2) In school districts embracing cities of the first five classes the expense of the election shall be paid by the city from its general funds, except as provided in subsection (3) of KRS 160.200. In all other districts the expense shall be paid by the fiscal court out of its general funds.

§ 52. Section 162.300 of the Kentucky Revised Statutes is amended to read as follows:

County boards of education and boards of education of independent districts not embracing a city of any class may obtain buildings for school purposes by proceeding under the provisions of KRS 162.120 to 162.290. When applied to such boards of education, KRS 162.120 to 162.290 shall be so read that the term:

(1) "City" means "county."

(2) "City clerk" means "county clerk."

(3) "Governing body of the city" means "fiscal court."

(4) "Mayor or chairman of the board of trustees" means "county judge."

(5) "Ordinance" means "resolution."

§ 53. A new section of the statutes is created, to read as follows:

(1) The Division of Highway Patrol in the Department of Highways shall be responsible for enforcement of highway laws, and shall be responsible for such other functions as the Governor may direct in writing.

(2) Members of the State Highway Patrol shall have coordinate responsibility with local peace officers in the enforcement of the regulatory provisions of the statutes relating to highway traffic and motor vehicle equipment.

(3) In addition to all other enforcement agencies, the Department of Highways may commission employes as highway patrols, and those employes, when so commissioned, shall have all the powers of peace officers in respect to the enforcement of all motor vehicle laws. including powers granted by KRS 281.370 to other officers.

§ 54. Section 178.110 of the Kentucky Revised Statutes is amended to read as follows:

(1) If the court decides to establish or alter a county road, bridge or landing, and the compensation to be paid for the right of way cannot be fixed by agreement, the right of way shall be condemned under the procedure set forth in KRS 416.100.

(2) In cases of roadbeds or bridges, or a portion of them, washing or slipping away, or in case of extreme emergency, and when in its judgment conditions warrant it, the county court may immediately open and have surveyed a road or passway to be temporarily used while the commissioner appointed under KRS 416.100 are acting, or while the matter is pending in the court to establish a permanent road or passway, and the commissioners shall assess the damages of the temporary road or use thereof. The same proceedings shall be had to recover damages as in recovery in regard to other roads.

(3) But when such compensation is ascertained, under KRS 416.100 or under subsection (2) of this section, it shall be at the option of the county court to pay it or to abandon the proposed undertaking. If it decides to pay the compensation, the fiscal court of the county shall include in its next levy an amount sufficient therefor.

(4) Not more than two acres shall be condemned for a landing.

§ 55. Section 178.250 of the Kentucky Revised Statutes is amended to read as follows:

(1) When it is necessary to build or repair any bridge across any stream on the line between two counties, or to construct or repair any road between two counties, or along the

boundary line thereof, the fiscal courts of the counties may enter into such agreement therefor as they find best.

(2) If they disagree, the fiscal court of each county shall appoint two special commissioners who, together with the county road engineer of each county and a representative of the Department of Highways, shall meet and arrange the matter. The fiscal court of each county interested shall notify the Department of Highways of the action taken and request its assistance in the matter and the decision reached by the committee thus appointed, acting jointly with the representative of the Department of Highways, shall be binding.

(3) If the fiscal court of any county, upon being requested to do so, fails to appoint commissioners, or if either court fails in any respect to fulfill its part of the agreement with respect to work, the remedy by mandamus shall lie before the circuit court of the county whose fiscal court is complained of on behalf of the fiscal court of other county, and the circuit court shall compel the fiscal court complained of to do what ought to be done in the matter.

§ 56. Section 179.030 of the Kentucky Revised Statutes is repealed.

§ 57. Section 179.270 of the Kentucky Revised Statutes is amended to read as follows:

If an obstruction under KRS 179.240 to 179.260 is not removed or reset, or an excavation under KRS 179.260 is not properly filled and maintained, within thirty days after the service of a notice by the county engineer personally or by mail upon the owner or occupant or upon the company at its principal place of business, or an agent of the company within the county, requesting the removal or resetting, the county engineer shall cause the obstructions to be removed or reset and such repairs on the excavation to be made as may be

necessary to place the road in its original condition. The expenses thereby incurred shall be paid in the first instance out of the money levied and collected and available therefor, and shall be charged against the owner or occupant and levied and collected as provided in KRS 179.280.

§ 58. Section 179.310 of the Kentucky Revised Statutes is amended to read as follows:

Before entering upon any lands under the provisions of KRS 179.300, the amount of damages that the owner will sustain by reason of the entry shall be determined, and paid by the fiscal court out of the county road funds. The amount of damages may be determined by agreement between the county engineer and the owner of the lands, subject to the approval of the fiscal court; if such agreement cannot be made, the amount shall be determined as provided in KRS 178.110.

§ 59. Subsection (7) of section 179.990 of the Kentucky Revised Statutes is amended to read as follows:

(7) Any person who violates any of the provisions of KRS 179.240, 179.250 or 179.260 shall be fined not less than twenty-five dollars nor more than one hundred dollars.

§ 60. Subsection (18) of section 179.990 of the Kentucky Revised Statutes is amended to read as follows:

(18) If a fiscal or county court willfully fails to perform any duty required of it by the provisions of this chapter, except KRS 179.230, 179.320 and 179.430, every member of the court concurring in the failure shall be fined not less than ten nor more than one hundred dollars by the circuit court of the county.

§ 61. Subsection (3) of section 180.030 of the Kentucky Revised Statutes is amended to read as follows:

(3) Real estate used by any steam or electric railroad as a right of way shall not be condemned for bridge or approach purposes.

§ 62. Subsection (5) of KRS 186.240 is repealed.

§ 63. A new section of the statutes is created to be numbered KRS 47.025 and to read as follows:

Except as provided in KRS 47.020, all revenue received under the provisions of KRS 186.020 to 186.260 shall be credited to the State Road Fund.

§ 64. Section 189.370 of the Kentucky Revised Statutes is amended to read as follows:

Whenever any school bus is stopped upon a highway for the purpose of receiving or discharging passengers, every operator of a vehicle approaching from any direction shall bring his vehicle to a complete stop and shall not start up or attempt to pass until the school bus has finished receiving or discharging passengers. The driver of the bus, after having stopped for the purpose of receiving or discharging passengers, shall permit all vehicles that have stopped as required by this section to proceed before again putting the school bus in motion.

§ 65. Section 189.520 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person under the influence of intoxicating liquors or narcotic drugs shall operate, upon a highway, any vehicle that is not a motor vehicle.

(2) No person under the influence of intoxicating liquors or narcotic drugs shall operate a motor vehicle upon a highway.

(3) No peace officer shall fail to enforce rigidly this section.

§ 66. Subsection (1) of section 189.990 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any person who violates any of the provisions of KRS 189.020 to 189.040, subsections (1), (2) and (5) of KRS 189.050, KRS 189.060 to 189,080, subsections (1) to (3) of KRS 189.090, KRS 189.100, 189.110, 189.130 to 189.160, subsections (2) to (4) of KRS 189.190, KRS 189.200, 189.290, 189.300 to 189.360, KRS 189.380, subsections (1), (2) and (4) of KRS 189.390, KRS 189.400 to 189.430, 189.450 to 189.480, subsection (1) of KRS 189.520, KRS 189.540, subsection (1) of KRS 189.560, KRS 189.570, subsections (2), (3) and (4) of KRS 189.580, or KRS 189.590 to 189.630, shall be fined not less than ten nor more than one hundred dollars for each offense.

§ 67. Subsection (7) of section 189.990 of the Kentucky Revised Statutes is amended to read as follows:

(7) Any person who violates KRS 189.370 shall be fined not more than five hundred dollars or imprisoned for not more than six months, or both.

§ 68. A new section of the statutes is created to read as follows:

Any person who violates any of the provisions of subsection (1) of KRS 189.580 shall be fined not less than ten dollars nor more than two thousand dollars, or imprisoned in the county jail for not more than one year, or both.

§ 69. Section 197.110 of the Kentucky Revised Statutes is amended to read as follows:

The department shall make such rules and regulations as it deems necessary or proper in relation to:

(1) The classification of prisoners as provided in KRS 197.065;

(2) The terms and conditions under which prisoners may be assigned to work under the direction of any other state agency;

(3) The adequate care, supervision, guarding, discipline, maintenance, transportation and housing of prisoners when assigned to work outside of the prison. The department shall ascertain from the jailer of the county in which the work is being carried on if accommodations are available, and shall place as many prisoners as possible under the care of the jailer;

(4) The payment of money to such prisoners and their dependents for work performed, including the amount to be paid and the manner of the payment and distribution thereof;

(5) Such other purposes as the department deems necessary and proper for carrying out the intent of this chapter.

§ 70. Sections 200.050 and 207.090 of the Kentucky Revised Statutes are repealed.

§ 71. A new section of the statutes is created to read as follows:

The State Board of Health is authorized to make such rules and regulations as may be necessary to enforce any of the provisions of the laws relating to public health, such rules and regulations not being in conflict with the powers delegated to local boards and departments of health, and to make such rules and regulations as may be necessary to control the action of local boards of health when the members thereof fail or refuse to execute the duties imposed on them by law.

§ 72. A new section of the statutes is created to read as follows:

The State Board of Health, in its cooperation with national, state or other sanitary or philanthropic organizations, for the preservation and protection of the health of the people of this state, may accept funds from Congress, or any branch of the National Health Service, including the Army, Navy or National Red Cross, or other organizations or individuals, upon a percentage or other basis, and expend the same to increase the efficiency of the health service of the state, or of any county in the state where the fiscal court or any public or private organization shall provide a fund upon a percentage or other basis for health work within such county.

§ 73. Section 242.230 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person in dry territory shall sell, barter, loan, give, procure for or furnish another, or keep or transport for sale, barter or loan directly or indirectly any alcoholic beverage.

(2) No person shall possess any alcoholic beverage in dry territory.

(3) In any action or prosecution for violation of subsection (2) of this section the defendant may prove that the alcoholic beverages found in his possession were lawfully acquired and were intended for lawful use, and such facts shall constitute a complete defense to the action or prosecution.

§ 74. Section 242.260 of the Kentucky Revised Statutes is amended to read as follows:

It shall be unlawful for any person or public or private carrier to bring into, transfer to another, deliver or distribute in any local option territory any alcoholic beverage, regardless of the name by which it may be called. Each package of such beverage so brought, transferred or delivered in such territory shall constitute a separate offense. Provided, however,

that nothing herein shall be construed to prevent any distiller or manufacturer or any authorized agent of a distiller, manufacturer or wholesale dealer from transporting or causing to be transported by a licensed carrier any alcoholic beverage to their distilleries, breweries, wineries or warehouses where the sale of such beverage may be lawful, either in or out of the state.

§ 75. Section 242.280 of the Kentucky Revised Statutes is amended to read as follows:

It shall be unlawful for any person of dry territory to receive or accept any alcoholic beverage from a common carrier or from any person who has transported such beverage in or into such territory for compensation, hire or profit of any kind whatsoever either directly or indirectly. Each and every package of said alcoholic beverage so received or accepted shall constitute a separate offense. Provided, however, that nothing herein shall be construed to prevent any distiller or manufacturer of alcoholic beverages or any authorized agent of a distiller or manufacturer or wholesale dealer from receiving or accepting any alcoholic beverages which are to be sold in a territory where the sale of such beverages may be lawful either in or out of the state.

§ 76. Subsection (1) of section 243.180 of the Kentucky Revised Statutes is amended to read as follows:

(1) A distributor's license shall authorize the licensee to purchase, import or store malt beverages and to sell them, from the licensed premises only, to other distributors, to retailers, or to consumers for personal use and not for resale. A distributor may transport malt beverages subject to the same requirements provided by KRS 243.120 for distillers.

§ 77. Subsections (1) and (2) of section 243.230 of the Kentucky Revised Statutes is amended to read as follows:

(1) Licenses to sell distilled spirits and wine by the drink for consumption on the premises may be issued only for premises located within cities of the first, second or third class, or elsewhere in counties containing a city of the first, second or third class if those counties maintain an adequate police force under KRS 70.540 to 70.570 or KRS 70.150 to 70.170.

(2) Licenses to sell distilled spirits or wine by the package may be issued only for premises located within incorporated cities, or elsewhere in counties containing a city of the first, second or third class if those counties maintain an adequate police force under KRS 70.540 to 70.570 or KRS 70.150 to 70.170.

§ 78. Paragraph (b) of subsection (2) of section 243.990 of the Kentucky Revised Statutes is repealed.

§ 79. Subsection (2) of section 244.120 of the Kentucky Revised Statutes is repealed.

§ 80. Section 250.340 of the Kentucky Revised Statutes is amended to read as follows:

No civil action shall be maintained by a vendor to recover the purchase price of any concentrated commercial feeding stuffs claimed to be due on account of a sale or contract made in violation of any of the provisions of KRS 250.240 to 250.350.

§ 81. Section 257.230 of the Kentucky Revised Statutes is amended to read as follows:

The State Veterinarian shall be the chief executive agent of the board in the enforcement of this chapter, shall execute and enforce the regulations of the board and, under the direction of the board, shall supervise and control the action of all deputies, inspectors, agents and specialists employed by the board. He shall devote his entire time to the duties of his office. He shall recommend from time to time such changes in

the regulations of the board, as he deems necessary, and do all other things necessary and proper for the successful enforcement of this chapter.

§ 82. Subsection (1) of section 271.250 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any number of corporations may consolidate into a single corporation. A majority of the corporations desiring to consolidate may enter into a signed agreement stating the terms and conditions of consolidation, the mode of carrying it into effect, and any other facts necessary to be set out except those required in subsection (5) of KRS 271.020. This agreement shall also state the manner of converting shares of the old corporations into the new. The consolidated corporation shall be a domestic corporation of this state for all purposes.

§ 83. Subsection (1) of section 271.300 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any corporation organized under this chapter may, by the consent in writing of the owners of the majority of its outstanding shares of stock, unless otherwise provided in the articles of incorporation or amendments, close its business and wind up its affairs. When any corporation expires by the terms of the articles of incorporation, or by the voluntary act of its stockholders, it may continue to act for the purpose of closing up its business, but for no other purpose. The directors shall settle up its affairs and business as speedily as possible. All debts of the corporation shall be paid in full before the directors receive anything for their services in connection with the liquidation, and before the stockholders receive anything. The directors shall cause notice to be published at least once a week for four consecutive weeks, in some newspaper printed and published in the county, if any, of the fact that it is closing up its business.

§ 84. Subsection (1) of section 271.320 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any corporation may sell and convey all of its property, rights, privileges and franchises.

§ 85. Section 279.200 of the Kentucky Revised Statutes is amended to read as follows:

Corporations formed under this chapter shall be exempt from all profit taxes, gross and net taxes, sales taxes, occupation taxes, privilege taxes, income taxes, taxes on electric current consumed and from all excise taxes whatsoever, any statute now existing or hereafter passed to the contrary notwithstanding. In lieu of all other state, county, city and district taxes, except ad valorem and franchise taxes, corporations formed under this chapter shall pay to the State Treasurer an annual tax of ten dollars.

§ 86. The introductory phrase and subsection (6) of section 281.020 of the Kentucky Revised Statutes are amended to read as follows:

The provisions of this chapter do not apply to:

(6) Motor vehicles used exclusively in transporting materials, supplies and equipment for the construction, reconstruction or maintenance of any public highway.

§ 87. Section 281.025 of the Kentucky Revised Statutes is repealed.

§ 88. Section 289.530 of the Kentucky Revised Statutes is amended to read as follows:

(1) The director of banking shall appoint the Federal Savings and Loan Insurance Corporation as receiver or liquidator, or as coreceiver or coliquidator of an association that the director of banking has taken charge of under the provisions of KRS 289.420 when:

(a) Any of the shareholders or investors of the association have insurance protection to any extent as provided by

Title IV of the National Housing Act (48 Stat. 1246) as amended;

(b) The director of banking believes that the interests of the members will not be protected by the adoption of the procedure prescribed by KRS 289.425 and 289.426; and

(c) The Federal Savings and Loan Insurance Corporation agrees to make payment in accordance with the provisions of the National Housing Act.

(2) If the Federal corporation fails to accept in writing any appointment as coreceiver or coliquidator within fifteen days after the tender of the appointment at its offices in Washington, D. C., by registered mail, the tender shall lapse and the other coreceiver or coliquidator appointed in conjunction with the Federal corporation shall become the receiver or liquidator of such association.

§ 89. Subsection (1) of section 297.320 of the Kentucky Revised Statutes is amended to read as follows:

(1) A Custodian of Insurance Securities shall be appointed by the Governor, in accordance with the laws governing other executive appointments. He shall receive a salary of two hundred dollars per month, payable as other state salaries, but out of the funds contributed for that purpose by the insurance companies as provided by KRS 297.350.

§ 90. Subsection (1) of section 297.340 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Director of the Division of Insurance shall designate not less than one nor more than three good and solvent banks or trust companies, in each county containing a city of the first class, whose vaults shall be used as depositories for the securities of insurance companies.

§ 91. Subsection (1) of section 297.350 of the Kentucky Revised Statutes is amended to read as follows:

(1) The domestic life insurance companies shall, for the purpose of paying the necessary expenses relating to the deposit of securities, including the salary of the custodian and the premiums on his bond, pay to the Director of the Division of Insurance, a total each month of three hundred dollars. This sum shall be allocated among the domestic life insurance companies as follows: Each company shall pay a minimum of twenty-five dollars monthly. If such payments do not aggregate three hundred dollars, the amount necessary to bring the total payments to three hundred dollars shall be paid by the companies in the proportion which each company's deposit bears to the total deposited by all the companies.

§ 92. Subsection (1) of section 298.150 of the Kentucky Revised Statutes is amended to read as follows:

(1) Except as provided in subsection (2) of this section and as otherwise provided in KRS 298.170, no stock insurance company shall write or place, or cause to be written or placed, any policy or contract for direct insurance upon any property in this state except through a duly licensed resident local agent, and for the purposes of this section a state or special agent or traveling or salaried employe of any stock insurance company doing business in this state shall not be considered a duly licensed resident local agent.

§ 93. Subsection (1) of section 300.120 of the Kentucky Revised Statutes is amended to read as follows:

(1) Every fraternal benefit society shall provide for the payment of death benefits, and may provide for the payment of benefits in case of temporary or permanent physical disability, either as the result of disease, accident or old age. The age at which the payment of benefits for disability because of old age shall commence shall not be under seventy years. A

society may provide for monuments or tombstones to the memory of its deceased members, and for the payment of funeral benefits.

§ 94. Section 313.350 of the Kentucky Revised Statutes is repealed.

§ 95. Section 324.286 of the Kentucky Revised Statutes is repealed.

§ 96. Subsection (2) of section 336.020 of the Kentucky Revised Statutes is repealed.

§ 97. Subsection (1) of section 341.340 of the Kentucky Revised Statutes is amended to read as follows:

(1) If a worker renders service for more than one subject employer during any calendar year so that his wages with respect to covered employment during such year exceeds three thousand dollars, any amount of contributions deducted from such wages and paid to the commission, which exceeds the contributions with respect to the first three thousand dollars of such wages paid shall be considered to have been erroneously collected and shall be refunded to the worker. No interest shall be allowed or paid with respect to any such refund.

§ 98. Subsection (1) of section 342.015 of the Kentucky Revised Statutes is amended to read as follows:

(1) Where, at the time of the injury, both employer and employe have elected to furnish or accept compensation under the provisions of this chapter for a personal injury, received by an employe by accident and arising out of and in the course of his employment, or for death resulting from such injury, within two years thereafter, the employer shall be liable to provide and pay compensation under the provisions of this chapter and shall, except as provided in subsection (2) of this

section and in KRS 342.170, be released from all other liability.

§ 99. Section 360.020 of the Kentucky Revised Statutes is amended to read as follows:

(1) All contracts and assurances for the loan or forbearance of more than three hundred dollars in money or other thing of value at more than the legal rate of interest, are void as to the excess over legal interest. The principal, with legal interest, may be recovered on any such contract or assurance, but not the excess of interest, and such excess of interest, if already paid, may be recovered from the lender or forbearer, even though payment was made to an assignee; but if the lender or forbearer refuses, before suit is brought, a tender of the principal with legal interest, he shall pay the costs of any suit brought on the contract or assurance. A court having jurisdiction may grant equitable relief for any such excess of interest, and to that end may compel the necessary discovery from the lender or forbearer.

(2) Partial payment on a debt bearing interest shall be first applied to the interest then due.

(3) Subsections (1) and (2) do not apply to loans made under Chapter 288.

§ 100. Section 376.020 of the Kentucky Revised Statutes is amended to read as follows:

If the owner claims by executory contract and for any cause the contract is rescinded or set aside, the lien provided for in KRS 376.010 shall follow the property into the hands of the person to whom the property may come or with whom it may remain by reason of the rescision, but only to the extent that the actual value of the property is enhanced by the improvements so placed upon it.

§ 101. Section 382.080 of the Kentucky Revised Statutes is amended to read as follows:

(1) No deed conveying any title to or interest in real property, or lease of oil, gas, coal or mineral right and privilege, for a longer time than five years, nor any agreement in consideration of marriage, shall be good against a purchaser for a valuable consideration without notice thereof, or any creditor, unless the deed, lease or agreement is acknowledged or proved according to law and lodged for record in the proper office.

(2) The provisions of this section shall apply with like protection to the creditor of, or innocent purchaser from, the heir or devisee of the grantor.

§ 102. Section 386.020 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any fiduciary holding funds for loan or investment may invest them in:

(a) Bonds or other interest-bearing obligations of the Federal Government;

(b) Bonds, state warrants and other interest-bearing obligations of this state;

(c) Securities authorized by the Federal Farm Loan Act (39 Stat. 360) as amended;

(d) Bonds and obligations of the Home Owners' Loan Corporation, Federal Farm Mortgage Corporation, or the Federal Intermediate Credit Bank;

(e) Notes and bonds secured by mortgage or trust deed insured by the Federal Housing Administrator, obligations issued or insured by the Federal Housing Administrator, and securities issued by National Mortgage Associations;

(f) Obligations representing loans and advances of credit that are eligible for credit insurance by the Federal Housing Administrator, and the fiduciary may obtain such insurance;

(g) Loans, secured by real property or leasehold, that the Federal Housing Administrator insures or makes a commitment to insure, and the fiduciary may obtain such insurance;

(h) Real estate mortgage notes, bonds and other interest-bearing or dividend-paying securities which would be regarded by prudent businessmen as safe investments; and

(i) Real estate, after obtaining the approval of the circuit court for such investments.

(2) Fiduciaries holding funds for loan or investment may make loans with the securities named in subsection (1) as collateral.

(3) The fiduciary shall account for all interest or profit received.

§ 103. Section 395.090 of the Kentucky Revised Statutes is repealed.

§ 104. Section 402.010 of the Kentucky Revised Statutes is amended to read as follows:

(1) A man shall not marry his mother, grandmother, sister, daughter or granddaughter; the widow or divorced wife of his father, grandfather, son or grandson; the daughter, granddaughter, mother or grandmother of his wife; the daughter or granddaughter of his brother or sister; or the sister of his father or mother. A woman shall not marry her father, grandfather, brother, son or grandson; the widower or divorced husband of her mother, grandmother, daugh-

ter or granddaughter; the son, grandson, father or grandfather of her husband; the son or grandson of her brother or sister; or the brother of her father or mother.

(2) If relationship is founded on marriage, the prohibition of subsection (1) shall continue notwithstanding the dissolution of the marriage by death or divorce, unless the divorce is for a cause that rendered the marriage originally illegal and void.

(3) The prohibition of this section applies to relationships that exist by or through an illigitimate child.

(4) Marriages prohibited by this section are incestuous and void.

§ 105. Section 402.030 of the Kentucky Revised Statutes is amended to read as follows:

Courts having general equity jurisdiction may declare void any marriage obtained by force or fraud.

§ 106. Section 402.250 of the Kentucky Revised Statutes is amended to read as follows:

Where doubt is felt as to the validity of a marriage, either party may, by petition in equity, demand its avoidance or affirmance.

§ 107. Subsection (4) of section 403.020 of the Kentucky Revised Statutes is amended to read as follows:

(4) A divorce may be granted to the husband for the following causes:

(a) Where the wife is pregnant by another man without the husband's knowledge at the time of marriage;

(b) When not in like fault, habitual drunkenness on the part of the wife of not less than one year's duration;

(c) Adultery by the wife, or such lewd, lascivious behavior on her part as proves her to be unchaste, without actual proof of an act of adultery;

(d) When the husband is not in like fault, the habitually behaving of the wife toward him, for not less than six months, in such cruel and inhuman manner as to indicate a settled aversion to him or to destroy permanently his peace or happiness; or

(e) When the husband is not in like fault, such cruel beating or injury, or attempt at injury, of the husband as indicates an outrageous temper in the wife, or probable danger to his life, or great bodily injury, from his remaining with her.

§ 108. Section 403.050 of the Kentucky Revised Statutes is amended to read as follows:

Divorce from bed and board may be rendered for any cause that allows divorce, or for any other cause that the court in its discretion considers sufficient. A divorce from bed and board shall operate as to property thereafter acquired, and upon the personal rights and legal capacities of the parties, as a divorce from the bond of matrimony, except that neither shall marry again during the life of the other. The judgment may be revised or set aside at any time by the court rendering it.

§ 109. Subsection (1) of section 404.020 of the Kentucky Revised Statutes is amended to read as follows:

(1) A married woman may acquire and hold property, real and personal, by gift, devise or descent, or by purchase, and may, in her own name, as if she were unmarried, sell and dispose of her personal property. She may make contracts, and sue and be sued, as a single woman. She may rent out her real estate, and collect, receive and recover in

her own name the rents thereof, and make contracts for the improvement thereof.

§ 110. Section 404.030 of the Kentucky Revised Statutes is amended to read as follows:

(1) A married woman may sell, convey or encumber any of her lands and chattels real, but such sale, conveyance or encumbrance shall not bar the husband's rights under KRS 392.020 unless he joins in the instrument of sale, conveyance or encumbrance or releases his rights under KRS 392.020 by separate instrument.

(2) Any married woman may convey by agent any interest she has in real or personal property situated in this state if she could lawfully convey it in person. In the case of real estate, the conveyance shall be made by virtue of a power of attorney, executed and acknowledged or proven as deeds by married women are required to be.

§ 111. Section 404.050 of the Kentucky Revised Statutes is repealed.

§ 112. Section 411.080 of the Kentucky Revised Statutes is amended to read as follows:

If property is distrained or attached without good cause the owner may, in an action against the party suing out the distress or attachment, recover damages for the wrongful seizure, and his costs in the distress or attachment, including reasonable attorney's fees. If the property is sold he may also recover damages for the sale. The plaintiff shall not be required to allege or prove malice on the part of the defendant under this section.

§ 113. Section 434.040 of the Kentucky Revised Statutes is amended to read as follows:

Any person who fraudulently converts to his own use, or secretes with intent to convert fraudulently to his own use, any motor vehicle or any part of a motor vehicle delivered to him, shall be punished as provided in KRS 433.220 or 433.230, depending upon the value of the vehicle or part.

§ 114. Subsection (2) of section 436.360 of the Kentucky Revised Statutes is repealed.

§ 115. Section 447.140 of the Kentucky Revised Statutes is repealed.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	Thos. S. Dawson	W. H. Hunt
F. H. Bassett, Jr.	Adron Doran	Lee Johnson
W. G. Biggers	J. R. Dorman	Paul S. Jonas
Isaac Blevins	Bernie S. Edlin	Wm. E. Justice
J. C. Bradley	Harry W. Ennis	M. Kavanaugh
Jno. M. Burkhart	Dr. J. C. Gabbard	G. M. Knuckles
Chas. W. Burnley	Franklin Goins	J. T. Linton
C. D. Call	J. D. Gross	Homer E. Losey
Willis Champion	Jas. P. Hallahan	A. L. Love
Jno. H. Clarke, Jr.	Claude Hammons	Pearl McKinney
A. Roy Copeland	B. C. Holbrook	C. C. May
Marvin Cornett	Benton Howard	Harry L. Moore
John Henry Cox	Clyde S. Howard	Herbert V. Moore
John P. Craig	J. J. Huff	J. Lee Moore
Fred Creasey	W. N. Hughes	L. D. Moore

C. Sid Nabb	James E. Quill	E. A. Spencer
Jno. C. Newcomb	C. R. Reeves	Arthur Stallard
Joe E. Nunn	L. Allen Rhoads	Geo. W. Steinford
H. C. Patterson	Wade H. Riley	Joe Stewart
Chester Peterson	H. G. Royalty	Roy L. Taylor
Albert W. Pfeiffer	Amos Runyon	E. B. Thompson
Sylvester Phillips	Carl Scheben	John L. Trumbo
James T. Philpott	F. W. Schuhmann	S. J. Wagner
J. Gip Prather	Vernon Seaton	Harry F. Walters
L. W. Preston	Leon J. Shaikun	R. E. West
Kleber F. Price	Jno. W. Simmons	Taylor Witt
Edw. P. Prichard	Robt. J. Spaulding	—80

Resolved that the title thereof be as aforesaid.

Mr. Quill moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration the message from the Governor announcing that he returns to this House without his signature and approval a bill entitled:

H. B. 29. An Act relating to the employment by the state government of persons who have served or who shall hereafter serve in the Armed Forces of the United States.

With his objections and veto and his reasons therefor.

(For bill and veto message from Governor see House Journal of February 28)

Mr. Quill moved that the House do now reconsider said bill.

Said motion was agreed to.

Thereupon the House proceeded as provided by the Constitution to reconsider said bill.

After such reconsideration the question was taken upon the passage of said bill, the objections and veto of the Governor to the contrary notwithstanding, and it was decided in the affirmative.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

F. H. Bassett, Jr.	Clyde S. Howard	L. Allen Rhoads
W. G. Biggers	Jerry F. Howell	Wade H. Riley
J. C. Bradley	Paul S. Jonas	H. G. Royalty
Jno. W. Burkhart	M. Kavanaugh	Amos Runyon
Chas. W. Burnley	J. T. Linton	Vernon Seaton
C. D. Call	A. L. Love	Leon J. Shaikun
Fred Carpenter	C. C. May	Jno. W. Simmons
Jno. H. Clarke, Jr.	Johnston Miller	Faust Y. Simpson
A. Roy Copeland	J. Lee Moore	George T. Smith
John Henry Cox	C. Sid Nabb	Geo. W. Steinford
John P. Craig	Joe E. Nunn	Joe Stewart
Fred Creasey	H. C. Patterson	Roy L. Taylor
Adron Doran	Chester Peterson	S. J. Wagner
J. R. Dorman	J. Gip Prather	Harry F. Walters
Harry W. Ennis	L. W. Preston	Speaker Harry
Franklin Goins	Kleber F. Price	Lee Waterfield
R. M. Hall	Edw. P. Prichard	
Benton Howard	James E. Quill	—51

Those who voted in the negative were—

Chas. W. Anderson	T. H. Dyer	Jas. P. Hallahan
Isaac Blevins	Bernie S. Edlin	Claude Hammons
Willis Champion	Dr. J. C. Gabbard	B. C. Holbrook
Marvin Cornett	Chas. B. Gentry	J. J. Huff
Thos. S. Dawson	J. D. Gross	W. N. Hughes

W. H. Hunt	Coy C. Nevitt	Arthur Stallard
Lee Johnson	Jno. C. Newcomb	C. W. Taylor
Wm. E. Justice	Albert W. Pfeiffer	Egbert V. Taylor
H. Clay Kauffman	Sylvester Phillips	H. Thieman, Jr.
G. M. Knuckles	James T. Philpott	E. B. Thompson
Homer E. Losey	C. R. Reeves	John L. Trumbo
Pearl McKinney	Carl Scheben	R. E. West
Harry L. Moore	F. W. Schuhmann	Taylor Witt
Herbert V. Moore	Robt. J. Spaulding	
L. D. Moore	E. A. Spencer	—43

Mr. Quill moved that the vote by which said bill was reconsidered and passed, the objections and veto of the Governor to the contrary notwithstanding, be reconsidered and that motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 90. An Act relating to legislative research, audits, and studies; establishing legislative research commissions of the House of Representatives and the Senate; providing for the appointment of the membership, the powers, duties, functions and personnel of the commissions; appropriating funds for the use of such commissions and repealing sections 7.010, 7.020, 7.030, 7.040, 7.050, 7.060, 7.070 and 7.080 of the Kentucky Revised Statutes pertaining to the Legislative Council.

Said bill is as follows, viz.:

WHEREAS, under the Constitution of Kentucky, all funds for the operation of all branches of the State government must be provided by appropriations made by the General Assembly, and,

WHEREAS, it is the duty and function of the members of the General Assembly, as the duly elected representatives of the people, to ascertain and know whether or not public funds are being economically and wisely expended, and to be fully informed concerning the need of public funds and legislation for essential Government activities, and,

WHEREAS, it is the further responsibility and duty of the legislative branch of government to keep informed as to all operations, functions and needs of government to the end that inefficiencies may be eliminated and improvement in public service provided, and,

WHEREAS, efficient and progressive government will be responsible only when full information is secured through legislative inquiry, and,

WHEREAS, it is necessary to assist the General Assembly of this Commonwealth in the proper performance of its constitutional functions by providing its members with impartial and accurate information concerning legislative subjects, and,

WHEREAS, our constitutional form of government is founded upon the theory that each of the three distinct powers of government shall be confided to a separate body of magistracy,

NOW, THEREFORE, to more fully preserve the magistracy of the power of the legislative branch of State government by providing the General Assembly with means for independent investigation, study and research necessary to the exercise of the functions of the Legislative branch of Government.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. There is created a Legislative Research Commission of the House of Representatives and a similar commission of the Senate. Such commission in the House of Representatives shall consist of the Speaker of the House of Representatives, who shall be chairman of the Commission of the House, and eight members of the House appointed by the Speaker. Such commission in the Senate shall consist of the President Pro Tem of the Senate, who shall be chairman of the Commission of the Senate, and eight members of the Senate who shall be appointed by the President Pro Tem of the Senate. Five of the appointed members of each commission shall be selected from that political party which has a majority representation in the particular house, and the remaining three shall be selected from the minority party.

2. Except as otherwise herein provided the members of said commissions shall hold office until the next regular session of the General Assembly at which time and at each succeeding regular session of the General Assembly the membership of said commissions shall be appointed in the manner provided in Section 1 hereof at a date not later than April 1 following the regular session of the General Assembly. A vacancy on the House Commission shall be filled by the Speaker, and a vacancy on the Senate Commission shall be filled by the President Pro Tem of the Senate. Any cause which results in a member of either commission ceasing to be a member of the General Assembly shall create a vacancy in the membership of such person on the Commission. Any cause, which would create a vacancy in the office of the Speaker of the House or of the President Pro Tem of the Senate shall likewise create a vacancy in his office as chairman of the commission. In the case of such vacancy, the members of the commission shall select a chairman from among their membership for the remainder of the term.

3. Each commission shall meet during the interim between sessions of the General Assembly once each month at

the State Capitol, unless otherwise directed by the respective chairman of the commissions, beginning in July on the second Monday thereof, following the close of the pending session of the General Assembly, and on the second Monday every month thereafter. Any regular meeting shall continue for three days unless extended by a vote of the commissions. Special interim meetings of either commission may be held at the call of the chairman, or upon the request of fifty percent of the members of either commission, the chairman shall call a special meeting.

No senator or representative shall during the present term for which he was elected, nor for one year thereafter receive any compensation or profit for his extra official services as a member of said commissions. Each member of each of said Commissions shall be reimbursed out of the appropriation hereinafter provided for his necessary expenses, including transportation, lodging, meals and incidentals in travelling to and from while attending the meetings of said commissions.

4. The Legislative Research Commissions of the respective houses are authorized and empowered jointly and severally for the benefit of the General Assembly to make or have made research, audits and studies of or pertaining to any or all of the following named subjects, relating to State Government, and which may be legally considered or acted upon by the legislative branch of State Government,

State and National Defense,
Revenue and taxation,
Industrial Development,
Transportation,
Social Security,
Agricultural Research and Development,
Education,
Budget Research,
Conservation of Natural Resources,
Public Health,

Public Welfare, including Charitable and Penal Institutions,
State Expenditures,
Post War Planning,
Roads and Highways,

Each commission shall jointly or severally, not later than the 15th day of December preceding a Regular Session, make available to the Governor of the Commonwealth and to the General Assembly a report of its findings and recommendations, accompanied with drafts of suggested legislation for the information of and consideration by the General Assembly, and said commission shall after investigation and research make such other recommendations to the Governor and to the General Assembly as will serve to eliminate waste, and promote efficiency and economy in State Government and promote the general welfare of the populace.

5. For the purpose of administering this act the commissions shall cooperate with each other as far as practicable. Such cooperation in the administration of this Act shall be effected by means of a joint sub-commission, which shall consist of the Speaker of the House and four members of the House Commission appointed by him, and the President Pro Tem of the Senate and four members of the Senate Commission appointed by him, the appointments from each commission being divided equally between the two major political parties. The joint sub-commission shall meet at a date as early as practicable after the organization of the House and Senate Commission and formulate a plan of administration which will provide for the coordination of the activities and efficient use of the personnel employed by the commissions, and the elimination of unnecessary duplication or overlapping of functions.

6. The commissions as agencies of State Government as distinct from agents or employees of the General Assembly or

either house thereof, jointly may employ such skilled and professional assistants and office personnel and contract for such services as may be necessary in the performance of their duties and the accomplishment of the purpose of this Act, and all employments and contracts for services and the compensation to be paid therefore shall be determined by the joint sub-commission referred to in Section 5 of this Act, with the approval of a majority of each of the two commissions. None of the provisions of Sections 42.110, 42.120 and 42.130 KRS shall be applicable to the employees or employment herein provided for. In the administration of this Act the joint sub-commission shall supervise and provide for the allocation of the work and activities of all employees of the respective commissions, subject to the approval of a majority of each of the two commissions. During the regular or any special session of the General Assembly the research staff and personnel as provided for in this Section shall be at the disposal of the members of the General Assembly under the supervision of the Speaker of the House and the President Pro Tem of the Senate. Office space for the Legislative Research Commissions of the House and Senate shall consist of the House and Senate chambers and rooms used by the General Assembly while in session and such other space as the commissions of the House and Senate may deem necessary.

7. In the discharge of its duties, the Commission may administer oaths, issue subpoenas for the attendance of witnesses and the production of papers and testimony, and cause the depositions of witnesses, either residing within or without the state, to be taken in the same manner as in civil actions in circuit court. The circuit court of any county, on application of the Commission, shall compel compliance with any subpoena issued in behalf of the Commission, and the giving of testimony by any witness to any matters regarding which he may be lawfully interrogated, by proceedings for contempt, as in the case of disobedience of the requirements of a subpoena issued for such court or a refusal to testify therein.

Each witness who appears before a Legislative Commission by its order, other than a state officer or employee, shall receive for his attendance the fees and mileage provided for witnesses in civil cases in courts of record, which shall be audited and paid upon the presentation of proper vouchers sworn to by the witness and approved by the chairman of the Commission.

8. The editorial staff of the Statute Revision Commission, upon request of either Commission shall assist in the drafting of such proposed legislation as either commission directs to be prepared.

9. Each commission may establish such sub-commissions as may be convenient or desirable for the proper and efficient performance of its functions. The chairman of either commission subject to the approval of the commission, may appoint any member of the House or Senate as a temporary exofficio member of any sub-commission, to assist in research, study or audit of any subject, and such exofficio member so appointed shall while acting in said capacity be reimbursed for expenses in the same manner as provided for members of the commission in Section 3 hereof.

10. There is hereby appropriated to the Legislative Research Commissions of the House of Representatives and the Senate, out of the General Fund, for each of the fiscal years 1944-1945 and 1945-1946, the sum of $35,000.00, for the purposes of this Act.

11. The chairman of the Legislative Research commissions of the House and the Senate may at any time during any fiscal year, requisition any part or all of the sums appropriated by this Act for such year. The Department of Finance, upon receiving such requisitions, shall issue its warrant upon the State Treasury for the amount requisitioned.

The State Treasurer shall issue his checks payable to such chairmen jointly in their official capacity for the amounts requisitioned. Upon receipt of such checks the chairmen shall cause the amount thereof to be deposited in some solvent bank or banks of this State. Before making such deposits the bank or banks shall be required to execute a bond with good surety to be approved by the chairmen of the commissions. Before the State Treasurer shall issue any check to the chairmen of the commissions or honor any requisition made by them, the chairmen shall execute and file with the Treasurer a joint bond with an incorporated surety authorized to do surety business in the State of Kentucky in a penal sum equal to the largest amount that may be in their hands at any one time; the premiums on such bonds to be paid out of the appropriations made by this Act. Such bond shall be a convenant to the Commonwealth of Kentucky from the principals and surety that the principals will faithfully discharge their duties.

At the expiration of three months from the beginning of each fiscal year, all balances of appropriations and requisitioned funds not encumbered prior to the end of the fiscal year shall lapse to the General Fund and the chairmen of the Legislative Research Commissions of the House and the Senate shall issue their check to the State Treasurer for the amount on deposit to their credit that has lapsed by virtue of this section.

12. Disbursements from the funds placed on deposit pursuant to Section 11 of this Act shall be made only upon checks signed by the chairman of the Legislative Research Commission of one house and countersigned by the chairman of the Commission of the other house. The Legislative Research Commission shall cause a report to be made to the General Assembly at each regular session, on the second day of the session, containing an itemized statement of all disbursements of the funds expended under this Act.

13. If any section or provision of this Act shall be held unconstitutional or invalid for any reason, it shall not affect the validity of the Act, as a whole, or any other section or provision thereof.

14. Sections 7.010, 7.020, 7.030, 7.040, 7.050, 7.060, 7.070 and 7.080, of the Kentucky Revised Statutes are hereby repealed and all other laws or parts of laws in conflict with the provisions of this Act are repealed.

Mr. Quill moved the Previous Question.

Thereupon the Speaker announced: "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with, said bill was read the third time by its title only and rejected, having failed to receive the necessary majority of all members elected.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

F. H. Bassett, Jr.	John Henry Cox	Clyde S. Howard
W. G. Biggers	Fred Creasey	Jerry F. Howell
J. C. Bradley	Adron Doran	Paul S. Jonas
Jno. W. Burkhart	J. R. Dorman	M. Kavanaugh
Chas. W. Burnley	Harry W. Ennis	J. T. Linton
C. D. Call	Franklin Goins	A. L. Love
Fred Carpenter	J. D. Gross	C. C. May
Jno. H. Clarke, Jr.	R. M. Hall	Johnston Miller
A. Roy Copeland	Benton Howard	C. Sid Nabb

Joe E. Nunn	H. G. Royalty	Thos. M. Swope
H. C. Patterson	Amos Runyon	Roy L. Taylor
Chester Peterson	Vernon Seaton	S. J. Wagner
J. Gip Prather	Leon J. Shaikun	Harry F. Walters
L. W. Preston	Jno. W. Simmons	Speaker Harry
Kleber F. Price	Faust Y. Simpson	Lee Waterfield
Edw. P. Prichard	Geo. W. Steinford	
L. Allen Rhoads	Joe Stewart	—48

Those who voted in the negative were—

Chas. W. Anderson	W. H. Hunt	James E. Quill
Isaac Blevins	Lee Johnson	C. R. Reeves
Douglas T. Bolling	Wm. E. Justice	Wade H. Riley
Willis Champion	H. Clay Kauffman	Carl Scheben
Marvin Cornett	G. M. Knuckles	F. W. Schuhmann
John P. Craig	Homer E. Losey	George T. Smith
Thos. S. Dawson	Pearl McKinney	Robt. J. Spaulding
T. H. Dyer	Harry L. Moore	E. A. Spencer
Bernie S. Edlin	Herbert V. Moore	Arthur Stallard
Dr. J. C. Gabbard	J. Lee Moore	C. W. Taylor
Chas. B. Gentry	L. D. Moore	Egbert V. Taylor
Jas. P. Hallahan	Coy C. Nevitt	H. Thieman, Jr.
Claude Hammons	Jno. C. Newcomb	E. B. Thompson
B. C. Holbrook	Albert W. Pfeiffer	John L. Trumbo
J. J. Huff	Sylvester Phillips	R. E. West
W. N. Hughes	James T. Philpott	Taylor Witt

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At the instance of the Committee on Rules,

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 263. An Act relating to lawful fence.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 256.010 of the Kentucky Revised Statute is amended and reenacted, and when so amended and reenacted will read as follows:

(1) "Lawful fence" means:

(a) A strong and sound fence, four feet high, so close that cattle cannot creep through, made of rails, or plank, or wire and plank, or wire, or iron, or hedge, or stone or brick; or

(b) A ditch three feet deep and three feet broad, with a hedge two feet high or a rail, plank, stone, smooth or barbed wire or brick fence two and one-half feet high on the margin of the ditch, if the fence is so close that cattle cannot creep through.

(2) As used in the chapter, unless the context required otherwise, "railroad" means the person who owns a right of way and owns or controls a railroad in this state that has been in operation for five years.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	Fred Carpenter	J. R. Dorman
F. H. Bassett, Jr.	Jno. H. Clarke, Jr.	T. H. Dyer
W. G. Biggers	A. Roy Copeland	Bernie S. Edlin
Isaac Blevins	Marvin Cornett	Harry W. Ennis
Douglas T. Bolling	John Henry Cox	Dr. J. C. Gabbard
J. C. Bradley	John P. Craig	Chas. B. Gentry
Chas. W. Burnley	Fred Creasey	J. D. Gross
C. D. Call	Thos. S. Dawson	R. M. Hall

Claude Hammons	C. Sid Nabb	Robt. J. Spaulding
Clyde S. Howard	Joe E. Nunn	E. A. Spencer
J. J. Huff	Albert W. Pfeiffer	Arthur Stallard
W. N. Hughes	Sylvester Phillips	Geo. W. Steinford
W. H. Hunt	J. Gip Prather	Joe Stewart
H. Clay Kauffman	Kleber F. Price	Thos. M. Swope
J. T. Linton	James E. Quill	C. W. Taylor
Homer E. Losey	C. R. Reeves	H. Thieman, Jr.
A. L. Love	L. Allen Rhoads	E. B. Thompson
Pearl McKinney	Amos Runyon	John L. Trumbo
C. C. May	Carl Scheben	S. J. Wagner
Johnston Miller	F. W. Schuhmann	Harry F. Walters
Harry L. Moore	Vernon Seaton	R. E. West
Herbert V. Moore	Leon J. Shaikun	Taylor Witt
J. Lee Moore	Jno. W. Simmons	
L. D. Moore	Faust Y. Simpson	—70

Resolved that the title thereof be as aforesaid.

Mr. Quill moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Quill moved that the House do now recess until three-thirty o'clock P. M.

Said motion was agreed to.

And then the House recessed.

The hour of three-thirty o'clock P. M. having arrived, the Speaker resumed the Chair and called the House to order.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 381. An Act to amend subsection (3) of section 341.380 of Kentucky Revised Statutes, relating to Unemployment Compensation.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That subsection (3) of Kentucky Revised Statutes 341.380 is amended to read as follows:

"The maximum amount of benefits payable to any worker within any benefit year or benefit period shall be the amount in Column 'D' of Table 'A' which appears on the same line with 'Base-Period Wages' or 'Base Year Wages' of such worker as shown in Column 'B' of the same table.

TABLE A

Wage Class	Base Period Wages or Base Year Wages	Benefit Rate	Maximum Amount
(A)	(B)	(C)	(D)
0	Less than — $ 200.00	$ 0.00	$ 0.00
1	$ 200.00 — 334.99	5.00	100.00
2	335.00 — 434.99	6.00	120.00
3	435.00 — 534.99	7.00	140.00
4	535.00 — 639.99	8.00	160.00
5	640.00 — 749.99	9.00	180.00
6	750.00 — 864.99	10.00	200.00
7	865.00 — 984.99	11.00	220.00
8	985.00 — 1,114.99	12.00	240.00
9	1,115.00 — 1,254.99	13.00	260.00
10	1,255.00 — 1,414.99	14.00	280.00
11	1,415.00 — 1,594.99	15.00	300.00
12	1,595.00 — or over	16.00	320.00"

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson
F. H. Bassett, Jr.
Isaac Blevins
J. C. Bradley
Jno. W. Burkhart
Chas. W. Burnley
C. D. Call
Fred Carpenter
Willis Champion
Jno. H. Clarke, Jr.
A. Roy Copeland
Marvin Cornett
John P. Craig
Thos. S. Dawson
T. H. Dyer
Bernie S. Edlin
Harry W. Ennis
Dr. J. C. Gabbard
Chas. B. Gentry
R. M. Hall
Jas. P. Hallahan
Claude Hammons
B. C. Holbrook
Benton Howard
Clyde S. Howard
Jerry F. Howell
J. J. Huff
W. N. Hughes
Lee Johnson
Paul S. Jonas
Wm. E. Justice
G. M. Knuckles
J. T. Linton
Homer E. Losey
A. L. Love
Pearl McKinney
C. C. May
Harry L. Moore
Herbert V. Moore
J. Lee Moore
L. D. Moore
C. Sid Nabb
Coy C. Nevitt
Jno. C. Newcomb
Joe E. Nunn
Chester Peterson
Albert W. Pfeiffer
James T. Philpott
J. Gip Prather
L. W. Preston
Kleber F. Price
Edw. P. Prichard
James E. Quill
C. R. Reeves
L. Allen Rhoads
Wade H. Riley
H. G. Royalty
Amos Runyon
Carl Scheben
F. W. Schuhmann
Vernon Seaton
Leon J. Shaikun
Jno. W. Simmons
Faust Y. Simpson
George T. Smith
Robt. J. Spaulding
E. A. Spencer
Arthur Stallard
Geo. W. Steinford
Joe Stewart
C. W. Taylor
Roy L. Taylor
H. Thieman, Jr.
E. B. Thompson
John L. Trumbo
S. J. Wagner
R. E. West
Taylor Witt

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Resolved that the title thereof be as aforesaid.

Mr. Quill moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 8. An Act to provide that ninety per cent (90%) of the Kentucky excise tax paid on refund gasoline, as defined in this Act, be refunded to the purchaser who uses the gasoline in a tractor or stationary engine for agricultural purposes; to provide for the disposition of the remaining ten per cent (10%) of such taxes; to provide for the administration of this Act; and to provide punishments for it violation.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. Definitions. The term "refund gasoline," as used in this Act, means gasoline, as defined in KRS 138.210, used or to be used in a tractor or stationary engine operated for agricultural purposes. The words "agricultural purposes" means purposes related to the production of agricultural products and the conducting of ordinary farm activities by individual farmers on their own farms, and do not include commercial operations for hire involving the use of tractors or engines that are moved from farm to farm. The word "Department" means the Department of Revenue. The word "Commissioner" means the Commissioner of Revenue. The term "fiscal year" means the period of twelve (12) months, begin-

ning on the first day of July of each calendar year, and ending on the thirtieth day of the following June.

2. Refunds Authorized. Any person who shall buy gasoline for use in a farm tractor or stationary engine on a farm, who has actually used such gasoline for agricultural purposes and who, by reason of the addition of the amount of such tax to the retail price of the gasoline, by the dealer, has paid the excise tax thereon imposed by law of this Commonwealth, shall be considered to use refund gasoline, and, subject to the conditions hereinafter prescribed, shall be repaid ninety per cent (90%) of such tax; provided, that no part of such refund gasoline has been used for any other purpose than hereinabove provided, it being understood, however, that the use of refund gasoline in the operation of a farm tractor upon the highways from one field of operation to another shall not be construed to be an improper use of such gasoline; and provided further, that no such tax shall be refunded on refund gasoline purchased in quantities of less than forty (40) gallons at any one time.

3. Purchaser's Permit. Before any person shall be entitled to make claim for a refund of excise tax under this Act, he shall hold a Purchaser's Permit issued by the Department. Application for a Purchaser's Permit shall be made in accordance with the Department's requirements on a form to be furnished by it, and shall contain a description of each stationary engine or tractor in which the refund gasoline is to be used, including the make, motor number, model, horse-power, the approximate per hour fuel consumption of the stationary engine or tractor in which refund gasoline is to be used, and such other information as the Department may require. Application for a Purchaser's Permit shall also contain a description of each additional gasoline-powered vehicle, including passenger cars, trucks, and other vehicles in which gasoline is used upon which no refund is provided under this Act, together with descriptions of each such vehicle, including make, motor

number, model, and horsepower. The application shall also contain a statement of the applicant's estimate of the amount of refund gasoline he will use each month during the remainder of the fiscal year to be covered by such permit, together with a statement of the basis of such estimate, and the address of the applicant, and shall be signed and duly verified before a Notary Public or any other officer duly authorized to administer oaths in the county of the applicant's farm or residence. The application shall be accompanied by a filing fee of one dollar ($1.00). Such fee shall be transmitted to the State Treasurer by the Department of Revenue, and there credited to a separate account which shall be designated "Gasoline Tax Refund Expense Account," for which provision is hereinafter made in Section 14 of this Act, provided, however, such fee shall be refunded to the applicant if the requested permit is not issued. If the Department, after such investigation as it deems necessary, shall be satisfied that the application for a Purchaser's Permit has been made in good faith and that applicant has complied with the requirements of this Act, it shall issue a Purchaser's Permit to the applicant, privileging him to make application, in accordance with the requirements of this Act, for refund of excise taxes. Each such permit shall expire with the fiscal year for which it is issued, except that such expiration shall not prevent the filing of claim for refund, on refund gasoline used during the fiscal year or lesser period for which the permit was issued and effective, as provided in this Act. The Department shall have authority, upon the basis of the data submitted with the application and such additional information as it may require or by investigation secure, to ascertain and fix the maximum number of gallons of gasoline on which such person may claim a refund during the period covered by the permit. The maximum number of gallons so fixed by the Department shall be stated in the permit, but such maximum may be subsequently changed by an amended permit issued as hereinafter provided.

4. Rules Affecting A Purchaser's Permit. The Department may, if the applicant for a Purchaser's Permit has violated any provision of this Act or regulation pursuant thereto; or has been convicted of bribery, theft, or false swearing within the period of five (5) years preceding the application; or if the Department has evidence of the applicant's financial irresponsibility; require the applicant to execute a corporate surety bond of one thousand dollars ($1,000) to be approved by the Department, conditioned upon the payment of all taxes and penalties for which such applicant may become liable under this Act. Each Purchaser's Permit shall bear a serial number and shall state the name and address of the person to whom it is issued, and any agents of said principal who may sign certificates of purchases.

The holder of any permif issued under this Act shall, whenever there is a change in the facts stated in the application for such permit, promptly notify the Department of such change and the Department may thereupon issue to the holder an amended permit; or, if in its judgment the facts constitute just cause therefor, suspend or revoke such permit, as is provided in Section 13 hereof.

5. Forms To Be Supplied By Department. Upon the issuance of the Purchaser's Permit, in accordance with the provisions of Section 3 hereof, the Department shall furnish to the applicant four (4) refund application forms in duplicate and a supply of certificate of purchase forms, upon each of which the Department shall cause to be placed the serial number appearing upon the applicant's permit. Each certificate of purchase form shall contain blank space for listing the kind and number of gallons of refund gasoline purchased; a statement that the same will be used exclusively by the purchaser; the purpose for which it is to be used; that no part thereof will be sold or permitted to be sold; that no part thereof will be used or permitted to be used as fuel in other than a sta-

tionary engine or tractor used for agricultural purposes; the name and address of the person selling the refund gasoline; the date of the last purchase of such gasoline; the quantity purchased; and such other information as the Department may require.

Each refund application form shall contain blanks for listing the name and address of the applicant; the kind and number of gallons of refund gasoline purchased; the amount of excise taxes paid thereon by the applicant; the name and address of the person or persons from whom it was purchased; and a statement that all of said refund gasoline has been exclusively used by the purchaser and that no part thereof has been sold by the applicant or used in any way other than in a stationary engine or tractor operated for agricultural purposes. Said refund application form shall also contain blank spaces for describing the use made of such refund gasoline in such details as the Department may prescribe, and such other information as required by the Department, including, among other things, the name and post office address of the county attorney of the county in which the applicant lives or has his principal place of business in this State.

The Department may print and require the use of such other forms as it may deem necessary in the administration of this Act. Each refund application shall also contain blanks for listing the kind and number of gallons of non-refund gasoline purchased during the period covered by the application; the name and address of the person or persons from whom it was purchased, and such other information as the Department may require.

6. Certificates of Purchase. The person to whom a Purchaser's Permit has been issued and who proposes to purchase refund gasoline, shall fill in an original and a duplicate certificate of purchase, and shall sign the original and dupli-

cate at the time of each purchase. The seller of such gasoline shall likewise sign said original and duplicate certificate at the time of the sale, and he shall certify that the amount of gasoline stated therein has been, on the date stated in the certificate, sold and delivered by him to the purchaser whose name appears in said certificate. Neither the original nor the duplicate of said certificate shall be signed by the seller or by the purchaser until each copy of the certificate has been fully filled in nor until after the amount of gasoline stated therein as being purchased shall have been sold and delivered to the purchaser; provided, however, that an agent for the seller, or an agent for the purchaser, may execute such certificates of purchase in the name of his respective principal, if such agent also sign his own name thereon and shall have been duly authorized by the principal.

7. Refund Applications. All applications for refund of excise taxes on refund gasoline under the provisions of this Act, shall be filed with the Department on properly executed forms issued by it to the applicant. Except as provided in the next paragraph of this Section, such applications may be filed with the Department only within thirty (30) days after the first day of July, October, January, and April, and each such application shall cover only the refund gasoline used by the applicant during the three (3) calendar months immediately preceding the calendar month in which such application is filed. Each such application shall be accompanied by the original certificate of purchase executed in accordance with this Act, covering the refund gasoline, as to which claim for refund is made; and a seller's paid invoice covering the refund gasoline described in each certificate of purchase submitted, with the words "Refund Gasoline" and the certificate of purchase serial number written on the face of the invoice; provided, that if all refund gasoline purchased as indicated on one certificate of purchase is not used during any three (3) months period, the applicant shall not make claim for

refund on such fuel until the end of the next period, at which time the applicant shall claim such refund as may be due thereon and no further refund on such certificate of purchase may be claimed or allowed. The application shall be verified before a Notary Public or any other officer duly authorized to administer oaths.

The purchaser shall certify on his application for refund that he has provided a suitable container in which to store all refund gasoline purchased by him under certificate of purchase, and that such refund gasoline is kept separate from all other gasoline at all times. Applicant for refunds shall also certify that said refund gasoline container is marked in paint contrasting in color to the background paint, in letters not less than two (2) inches high, with the words "Refund Gasoline."

8. Audits and Investigation of Refunds. The Department is hereby authorized and directed to audit the claims for refund together with the supporting papers as they are filed, and in its discretion, may permit the refund application and the accompanying certificates of purchase to be amended so as to correct unintentional errors.

If, in the opinion of the Department, there appears to be any erasure in a certificate of purchase filed in support of any refund application, or if there appears to be any erasure on the seller's paid invoice accompanying the certificate of purchase, or if for any reason the Department doubts the accuracy of the facts set forth in any such application, it shall conduct such investigation as it may deem necessary to determine the true facts and may refer for investigation the matter to the county attorney of the county in which the applicant resides or has a principal place of business or operates a farm in this State; whereupon the county attorney shall make an investigation and report his findings to the Department within sixty (60) days.

If the Department decides that the application or applications filed by an applicant contain a false statement; or that the person claiming the refund has not paid the excise tax for which refund is claimed; or has used or permitted any of the refund gasoline covered by the application to be used in any method other than in a stationary engine or tractor for agricultural purposes; or has knowingly or otherwise allowed anyone else to use the refund gasoline or any part thereof covered by said application, it shall reject said claim for refund and notify the claimant thereof. Provided, however, that if the Department finds that the applicant is indebted to the Commonwealth on account of any tax refund which has been erroneously paid to the applicant under this Act; or is indebted to the Commonwealth for any delinquent tax liability, it shall decline to approve the claim for refund until the applicant has complied with the law and thus removed the delinquency, whereupon he shall be paid his claim for refund of gasoline taxes in the manner prescribed in this Act if the Department finds that he is justly entitled thereto.

9. Refunds To Be Made. When the Department finds that any refund application has been properly executed and that the applicant has complied with the requirements of this Act, it shall promptly approve such application, and credit the amount of excise tax which should be paid thereunder to the applicant, and said approved claim for refund shall be paid without interest, as other claims on the State Treasury are paid, from funds allocated by subsection (2) of KRS 47.010, for the purpose of the construction, reconstruction, maintenance and repair of roads, highways, and bridges; provided, however, that the total amount of refund gasoline covered by any claimant's application during the period covered by the permit, shall not exceed the maximum amount stated in the original or amended permit issued to the applicant; and provided further, that the amount due to any claimant for any three (3) months may be consolidated with the succeeding three (3) months and paid as one claim if the

payment of an approved claim shall not be delayed more than four (4) months.

10. Each seller of refund gasoline shall, in accordance with the Department's requirements, keep at his principal place of business in this State a complete record of all invoices on all such refund gasoline sold by him under certificates of purchase provided for in this Act, which shall give the date of each sale, the amount of refund gasoline sold, the name of the person to whom sold, the sale price, the amount of gasoline tax included in the sales price, the serial number of the certificate of purchase against which the gasoline was delivered, and the statement written across the invoice, "Refund Gasoline."

Every person to whom a purchaser's permit has been issued under this Act, shall, in accordance with the Department's requirements, keep at his residence or principal place of business in this State a strict account showing as to each purchase of refund gasoline the amount of such gasoline purchased, the name of the seller, the date of purchase, and a statement of the use made of such gasoline, in such detail as the Department may reasonably require.

The records required to be kept by the sellers and purchasers of refund gasoline shall, at all reasonable hours be subject to inspection by the Department or by any person duly authorized by it therefor, and by the county attorney of the county in which such books and records are herein required to be kept. Such records shall be preserved and shall not be destroyed until one (1) year after the end of the fiscal year during which the refund gasoline to which they relate was sold and purchased.

11. Suspension; Revocation; Criminal Penalties. (a) It shall be unlawful for any person to make a false or fraudulent statement in an application for a permit, or in a certificate of purchase, or in an application for a refund of any taxes under this Act; or to fraudulently obtain a refund of such taxes or to knowingly aid or assist in making any such

false or fraudulent statement or claim; or, after having bought refund gasoline under the provisions of this Act, to use or permit such gasoline or any part thereof to be used for any purpose other than in a stationary engine or tractor for agricultural purposes; or to sell or give refund gasoline to another for his own use; or, if he be not the original purchaser, to use for his own purposes any such gasoline which he knows or has reasonable grounds for believing has been purchased under the provisions of this Act.

(b) The Purchaser's Permit of any person who shall violate any provision of paragraph (a) of this section shall be revoke by the Department and may not be re-issued until two (2) years shall have elapsed from the date of such revocation, and such person, whether or not his permit has been revoked by the Department, shall be guilty of a misdemeanor and upon conviction thereof, shall be fined not less than one hundred dollars ($100) or more than five hundred dollars ($500) or imprisoned not exceeding one (1) year, or both.

(c) Any seller who shall violate any provision of paragraph (a) of this section shall be fined not less than one hundred dollars ($100) nor more than five hundred dollars ($500) or imprisoned not exceeding one year, or both.

(d) The Purchaser's Permit of any person who shall violate any provision of this Act, other than those contained in paragraph (a) of this Section, may be suspended by the Department for any period in its discretion not exceeding six (6) months.

(e) Any person who shall knowingly violate any provision of this Act, other than those contained in paragraph (a) of this Section, to which his attention has been expressly called by the Department, or its agents, shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than ten dollars ($10) nor more than one hundred dollars ($100).

The suspension or revocation of a permit as herein provided shall become effective fifteen (15) days after the date of notice sent the holder thereof at the address shown on his application, unless he shall have been granted a hearing, as provided in the next succeeding Section.

12. Appeals. Any person who shall deem himself aggrieved by any action of the Department under this Act may within fifteen (15) days from the date of notice thereof, in the manner prescribed and subject to the conditions stated in KRS 131.110 and 131.120, petition the Department for a review of such action by the Kentucky Tax Commission. Review may be obtained, and appeals to the Franklin Circuit Court, in accordance with the terms and subject to the conditions prescribed in such sections, may be taken from any final decision upon such petition for review.

13. Erroneous Refunds. If for any reason there shall under the provisions of this Act, be erroneously refunded to any person any excise taxes on gasoline, the Department shall advise the payee by mail of the erroneous refund, and if the payee shall fail within fifteen (15) days thereafter to reimburse the Commonwealth, the amount so refunded, plus twenty per cent (20%) may be recovered in an action instituted, as provided by law, by the Department in the Circuit Court of the county in which such person resides or has his principal place of business in this State. If any such refunds have been made to such person as a result of his false statement or fraudulent action, he shall be liable for the full amount received plus one hundred per cent (100%) thereof as a penalty which may be collected, plus twenty per cent (20%) of the total thereof, as provided above in this Section.

If any seller of gasoline or his agent shall sign a certificate of purchase, knowing or having reason to know that said gasoline is to be used for any purpose other than in a stationary engine or tractor for agricultural purposes, or in any other manner in violation of this Act, he shall become indebted

to the Commonwealth for double the amount of excise taxes imposed thereon by law, which may be recovered by an action instituted by the Department, as provided in the preceding portion of this section.

All revenues and taxes and the one hundred per cent (100%) penalty thereon, recovered as provided in this Section, shall be deposited with the State Treasurer and credited to the State Road Fund. Three-fourths (¾) of the twenty per cent (20%) collection penalty provided in this Section shall be deposited with the State Treasurer and credited to the Delinquent Tax Fund, and the remaining one-fourth (¼) shall be so deposited and credited to the General Expenditure Fund.

14. Provision for Administration. The Department is hereby authorized to employ additional persons, in accordance with the provision of KRS 42.110 and 42.120, and incur travel, rental, and other current and capital expenses, necessary to properly accomplish the purposes of this Act and to protect the gasoline tax revenues of the Commonwealth.

There is hereby established a "Gasoline Tax Refund Expense Account," from which the expenses of the Department equal to the cost of administering this Act, except litigation in the recovery of erroneous refunds, shall be paid. There shall be credited to this account the following:

1. The receipts from the fees which shall accompany the filing of application for Purchaser's Permit.

2. All fines and penalties, except those provided in Section 13 hereof, recovered and payable to the State under or on account of violations of this Act.

3. At the end of each quarterly period of each fiscal year, ten per cent (10%) of all excise taxes on refund gasoline covered by refund claims which have been approved by the Department during such quarter.

The Department may apportion expenses to this fund on the basis of a cost accounting distribution approved by the Department of Finance. As of the first day of July of each year funds then remaining in said special account, except such amount as the Department shall determine to be reasonably necessary to defray the expenses of the administration of this Act during the first quarter of the succeeding fiscal year, shall be transferred therefrom to the General Fund in an amount equal to the amount which the obligations of the Department apportioned to the said special fund may have been less during the fiscal year than the amount paid or to be paid from it; and the remainder shall be transferred therefrom to the State Road Fund for the purpose of the construction, reconstruction, maintenance, and repair of roads, highways, and bridges, as provided by subsection (2) of KRS 47.010. Should the Department spend more from said fund than is determined as properly apportionable to it, such excess shall be reimbursed to it from the appropriation to the Department for the next fiscal year subject to transfer, as hereinabove provided.

15. Whereas, the United States of America is now engaged in a global war, and President F. D. Roosevelt as Commander-in-Chief of the Army and Navy has demanded a maximum production of all farm, livestock, dairy and poultry products in order to maintain the Army and Navy with food, and to supply food to the oppressed nations now under the Axis power as fast as our Armed Forces can liberate them, and

Whereas, farm and livestock producers are in immediate need of tax-free gasoline in order to efficiently and cheaply operate stationary engines and tractors to maintain maximum production in livestock, dairy, poultry and farm products,

An emergency is declared to exist, and this bill, shall become a law when properly passed by the General Assembly and approved by the Governor.

Mr. Love offered the following amendment to said bill, viz.:

Amend S. B. 8 on page 7, section 7, line 23 by striking out lines 23 to 29 inclusive.

Said amendment was agreed to.

Mr. Love offered the following amendment to said bill, viz.:

Amend S. B. 8 on page 13, Section 15 by striking out section 15 in its entirety.

Said amendment was disagreed to.

The yeas and nays being taken thereon were as follows, viz.:

Those who voted in the affirmative were—

F. H. Bassett, Jr.	J. T. Linton	L. Allen Rhoads
J. C. Bradley	A. L. Love	Wade H. Riley
Chas. W. Burnley	C. C. May	H. G. Royalty
Jno. H. Clarke, Jr.	J. Lee Moore	Amos Runyon
A. Roy Copeland	C. Sid Nabb	Leon J. Shaikun
John Henry Cox	Jno. C. Newcomb	Faust Y. Simpson
Fred Creasey	Joe E. Nunn	Geo. W. Steinford
Adron Doran	H. C. Patterson	Joe Stewart
Harry W. Ennis	Chester Peterson	Roy L. Taylor
Franklin Goins	L. W. Preston	S. J. Wagner
Clyde S. Howard	Kleber F. Price	Harry F. Walters
Jerry F. Howell	Edw. P. Prichard	Speaker Harry
Paul S. Jonas	James E. Quill	Lee Waterfield

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Those who voted in the negative were—

Chas. W. Anderson	Benton Howard	C. R. Reeves
Isaac Blevins	J. J. Huff	Carl Scheben
Douglas T. Bolling	W. N. Hughes	F. W. Schuhmann
Willis Champion	Lee Johnson	Vernon Seaton
Marvin Cornett	Wm. E. Justice	Jno. W. Simmons
John P. Craig	H. Clay Kauffman	George T. Smith
Thos. S. Dawson	M. Kavanaugh	Robt. J. Spaulding
J. R. Dorman	G. M. Knuckles	E. A. Spencer
T. H. Dyer	Homer E. Losey	Arthur Stallard
Bernie S. Edlin	Harry L. Moore	Thos. M. Swope
Dr. J. C. Gabbard	Herbert V. Moore	C. W. Taylor
Chas. B. Gentry	L. D. Moore	Egbert V. Taylor
J. D. Gross	Coy C. Nevitt	E. B. Thompson
R. M. Hall	Albert W. Pfeiffer	John L. Trumbo
Jas. P. Hallahan	Sylvester Phillips	R. E. West
Claude Hammons	James T. Philpott	Taylor Witt
B. C. Holbrook	J. Gip Prather	—50

Mr. Swope offered the following amendment to said bill, viz.:

Amend H. B. 8 on page 2, section 1, line 13 by adding at the end of line 13 the following:

"The term 'refund gasoline' shall also include gasoline used or to be used in any watercraft, and all of the provisions of this Act relating to the refund of gasoline used in a tractor or stationary engine shall apply with equal force and effect to gasoline used in watercraft."

Mr. Bolling moved that said amendment be laid on the table.

Without objection the motion aforesaid as made by Mr. Bolling, was withdrawn.

Without objection, the Amendment as offered by Mr. Swope was then withdrawn.

Mr. Bolling moved the Previous Question.

Mr. J. Lee Moore moved that the House do now recess.

Said motion was disagreed to.

The yeas and nays being taken thereon were as follows, viz.:

Those who voted in the affirmative were—

F. H. Bassett, Jr.	Clyde S. Howard	L. Allen Rhoads
Douglas T. Bolling	Jerry F. Howell	H. G. Royalty
Chas. W. Burnley	Paul S. Jonas	Leon J. Shaikun
C. D. Call	A. L. Love	Faust Y. Simpson
Fred Carpenter	C. C. May	Geo. W. Steinford
Jno. H. Clarke, Jr.	J. Lee Moore	Joe Stewart
A. Roy Copeland	C. Sid Nabb	Roy L. Taylor
John Henry Cox	Joe E. Nunn	S. J. Wagner
Fred Creasey	H. C. Patterson	Harry F. Walters
Adron Doran	Chester Peterson	Speaker Harry
J. R. Dorman	Edw. P. Prichard	Lee Waterfield
Franklin Goins	James E. Quill	—34

Those who voted in the negative were—

Chas. W. Anderson	Dr. J. C. Gabbard	Lee Johnson
Isaac Blevins	Chas. B. Gentry	Wm. E. Justice
J. C. Bradley	J. D. Gross	H. Clay Kauffman
Willis Champion	R. M. Hall	M. Kavanaugh
Marvin Cornett	Jas. P. Hallahan	G. M. Knuckles
John P. Craig	Claude Hammons	Homer E. Losey
Thos. S. Dawson	B. C. Holbrook	Pearl McKinney
T. H. Dyer	Benton Howard	Harry L. Moore
Bernie S. Edlin	J. J. Huff	Herbert V. Moore
Harry W. Ennis	W. N. Hughes	L. D. Moore

Coy C. Nevitt	Wade H. Riley	Arthur Stallard
Jno. C. Newcomb	Amos Runyon	Thos. M. Swope
Albert W. Pfeiffer	Carl Scheben	C. W. Taylor
Sylvester Phillips	F. W. Schuhmann	Egbert V. Taylor
James T. Philpott	Vernon Seaton	H. Thieman, Jr.
J. Gip Prather	Jno. W. Simmons	E. B. Thompson
L. W. Preston	George T. Smith	John L. Trumbo
Kleber F. Price	Robt. J. Spaulding	R. E. West
C. R. Reeves	E. A. Spencer	Taylor Witt

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Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with, said bill was read the third time by its title only and rejected.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	Clyde S. Howard	Chester Peterson
F. H. Bassett, Jr.	Paul S. Jonas	L. W. Preston
J. C. Bradley	Wm. E. Justice	Kleber F. Price
Chas. W. Burnley	J. T. Linton	Edw. P. Prichard
Jno. H. Clarke, Jr.	A. L. Love	James E. Quill
A. Roy Copeland	C. C. May	L. Allen Rhoads
John Henry Cox	J. Lee Moore	Wade H. Riley
Fred Creasey	C. Sid Nabb	H. G. Royalty
Adron Doran	Jno. C. Newcomb	Amos Runyon
Harry W. Ennis	Joe E. Nunn	Leon J. Shaikun
Franklin Goins	H. C. Patterson	Faust Y. Simpson

George T. Smith	Roy L. Taylor	Speaker Harry
Geo. W. Steinford	S. J. Wagner	Lee Waterfield
Joe Stewart	Harry F. Walters	—40

Those who voted in the negative were—

Isaac Blevins	Jerry F. Howell	Carl Scheben
Douglas T. Bolling	J. J. Huff	F. W. Schuhmann
Willis Champion	W. N. Hughes	Vernon Seaton
Marvin Cornett	Lee Johnson	Jno. W. Simmons
John P. Craig	H. Clay Kauffman	Robt. J. Spaulding
Thos. S. Dawson	M. Kavanaugh	E. A. Spencer
J. R. Dorman	G. M. Knuckles	Arthur Stallard
T. H. Dyer	Homer E. Losey	Thos. M. Swope
Bernie S. Edlin	Harry L. Moore	C. W. Taylor
Dr. J. C. Gabbard	Herbert V. Moore	Egbert V. Taylor
Chas. B. Gentry	L. D. Moore	H. Thieman, Jr.
J. D. Gross	Coy C. Nevitt	E. B. Thompson
R. M. Hall	Albert W. Pfeiffer	John L. Trumbo
Jas. P. Hallahan	Sylvester Phillips	R. E. West
Claude Hammons	James T. Philpott	Taylor Witt
B. C. Holbrook	J. Gip Prather	
Benton Howard	C. R. Reeves	—49

Mr. Quill moved that the vote by which said bill was rejected be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, and without objection, the following bills and resolution were introduced, viz.:

By Mr. Stallard.

H. B. 404. An Act relating to compensation for members of the General Assembly.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 6.190 of the Kentucky Revised Statutes is amended to read as follows:

Each senator and representative shall receive fifteen cents per mile for necessary travel in going to and returning from the regular and special sessions of the General Assembly, and shall receive ten dollars a day during his attendance on such sessions, except that the Speaker shall receive the per diem provided in KRS 6.200. Each senator and representative shall receive, during the period of his term of office, compensation at the rate of fifty dollars per month.

§ 2. Section 6.210 of the Kentucky Revised Statutes is amended to read as follows:

(1) The per diem and travel allowance of the Lieutenant-Governor, President pro tem of the Senate, Speaker of the House of Representatives and members of both houses of the General Assembly shall be paid on the certificate of the respective clerks of the amount due. The monthly compensation of members of the General Assembly shall be paid on warrant of the Department of Finance.

(2) All contingent expenses of the General Assembly shall be paid upon the production of vouchers countersigned by the clerks of the proper houses.

By Mr. Prather.

H. B. 405. An Act relating to county tax commissioners.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Before entering upon the duties of their office, the county tax commissioner and his deputies shall take the following oath: "I do solemnly swear that I will read and administer to every person listing property the oath required by KRS 132.440, and that I will make special inquiry of each taxpayer regarding dogs owned, harbored or kept by him."

By Mr. West.

H. R. 71. A JOINT RESOLUTION authorizing the payment of witness claims allowed by the Estill Circuit Court, to Union Bank & Trust Co., of Irvine, Kentucky.

Said resolution is as follows, viz.:

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That Union Bank & Trust Co., of Irvine, Kentucky, is now the owner of witness claims allowed by the Estill Circuit Court at the May, 1943 term in the total amount of $4.00.

It appearing that said claims were not presented for payment by the Commonwealth of Kentucky within the statutory time provided by law and it further appearing that said claims are just claims against the Commonwealth of Kentucky, the Commissioner of Finance is hereby authorized and directed to pay said claims when presented by Union Bank & Trust Co., or Irvine, Kentucky, and the Statute of Limitations as now provided by law shall not be a bar to the payment of said claims, and the amount necessary to pay said claims, being four ($4.00) dollars, is hereby appropriated out of the General Fund for that purpose.

Ordered that said bills be printed and referred to Committee on Rules.

Mr. Quill moved that the House do now adjourn.

Said motion was agreed to.

And then the House adjourned.

FRIDAY, MARCH 3, 1944

The House was called to order by The Honorable Harry Lee Waterfield, Speaker.

The House was opened with prayer by the Reverend C. W. Grant of the Methodist Episcopal Church of Frankfort.

The roll was called and the following members answered to their names, viz.:

Chas. W. Anderson	Chas. B. Gentry	C. C. May
F. H. Bassett, Jr.	Franklin Goins	Johnston Miller
Isaac Blevins	J. D. Gross	Harry L. Moore
Douglas T. Bolling	R. M. Hall	Herbert V. Moore
J. C. Bradley	Jas. P. Hallahan	J. Lee Moore
Jno. W. Burkhart	Claude Hammons	L. D. Moore
Chas. W. Burnley	B. C. Holbrook	W. B. Moser
C. D. Call	Benton Howard	C. Sid Nabb
Fred Carpenter	Clyde S. Howard	Coy C. Nevitt
Willis Champion	Jerry F. Howell	Jno. C. Newcomb
Jno. H. Clarke, Jr.	J. J. Huff	Joe E. Nunn
A. Roy Copeland	W. N. Hughes	H. C. Patterson
Marvin Cornett	W. H. Hunt	Chester Peterson
John Henry Cox	Lee Johnson	Albert W. Pfeiffer
John P. Craig	Paul S. Jonas	Sylvester Phillips
Fred Creasey	Wm. E. Justice	James T. Philpott
Thos. S. Dawson	H. Clay Kauffman	J. Gip Prather
Adron Doran	M. Kavanaugh	L. W. Preston
J. R. Dorman	G. M. Knuckles	Kleber F. Price
T. H. Dyer	J. T. Linton	Edw. P. Prichard
Bernie S. Edlin	Homer E. Losey	James E. Quill
Harry W. Ennis	A. L. Love	C. R. Reeves
Dr. J. C. Gabbard	Pearl McKinney	L. Allen Rhoads

Wade H. Riley	Robt. J. Spaulding	Otis C. Thomas
H. G. Royalty	E. A. Spencer	E. B. Thompson
Amos Runyon	Arthur Stallard	John L. Trumbo
Carl Scheben	Geo. W. Steinford	S. J. Wagner
F. W. Schuhmann	Joe Stewart	Harry F. Walters
Vernon Seaton	C. W. Taylor	R. E. West
Leon J. Shaikun	Egbert V. Taylor	Taylor Witt
Jno. W. Simmons	Roy L. Taylor	Speaker Harry
Faust Y. Simpson	H. Thieman, Jr.	Lee Waterfield

A message was received from the Senate announcing that they had passed a bill which originated in that body, entitled:

S. B. 123. AN ACT providing for the maintenance of county and municipal airports by the Department of Highways.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The Department of Highways shall furnish men, machinery, materials and equipment for the maintenance of the runways only of any and all airports heretofore or hereafter established by cities, counties, or cities and counties jointly, that have paved runways and are approved by the Civil Aeronautics Administration or its legal successor and by the Department of Highways of the State of Kentucky. The maintenance work shall be performed by the Department of Highways when and as requested by the governing boards of the respective airports, as and when required to maintain same in serviceable condition according to Civil Aeronautics standards—except when such airports are under lease to the Federal Government or to a private corporation.

Ordered that said bill be printed and referred

To the Committee on Rules

And that they had passed a bill which originated in this House entitled:

H. B. 35. An Act appropriating money for the operation, maintenance, support and functioning of the government of the Commonwealth of Kentucky for the fiscal periods ending June 30, 1945 and June 30, 1946.

With amendments thereto as proposed and adopted by the Senate.

(For bill see House Journal of February 25)

Said amendments as proposed and adopted by the Senate, are as follows, viz.:

1. Amend H. B. 35 in Senate by striking therefrom all of subsec. (d) 2 of Section 4, Part One, being lines 19 to 41 inclusive, on page 5 of the printed bill.

2. Amend H. B. 35 in Senate by adding at the end of Section 26, after line 61 on page 26 of the printed bill the following:

(k) *Capital Outlays.* There hereby is appropriated out of the cash balance which will be in the State Treasury to the credit of the General Expenditure Fund at the end of the present biennium ending June 30, 1944, the sum of $5,000,000.00 for the following uses and purposes, to-wit:

(1) For acquiring lands, the construction of buildings, the reconstruction of buildings, the purchase and installation of equipment and furnishings for the buildings so constructed or reconstructed, which equipment and furnishings are of a permanent nature, for the following institutions, to-wit: The Western State Hospital at Hopkinsville; Central State Hospital at Lakeland; Eastern State Hospital, at Lexington; Kentucky Feeble-Minded Institute at Frankfort; House of Reform at Greendale, School for the Deaf at Danville; School

for the Blind at Louisville; and the Hazelwood Sanitarium; and State Tuberculosis Sanitariums to be established as hereinafter provided. Of the $5,000,000.00 herein appropriated, not less than $1,500,000.00 thereof shall be spent for the construction, equipment and furnishing of State Tuberculosis Sanitariums.

The $5,000,000.00 herein appropriated shall be invested in United States Government Bonds on or before the 10th day of July, 1944, and said appropriation shall take precedence over any other appropriation or encumbrance made or authorized by this Act and shall constitute a withdrawal as of July 1, 1944, of $5,000,000.00 cash which will be in the State Treasury at the close of the current fiscal year which will end June 30, 1944. All interest which accrues on the Bonds purchased as herein directed shall be held, used and expended for the same purposes and only for the purposes for which the principal of said Bonds may be used.

It shall be the duty of the Commissioner of Finance and the State Treasurer to invest said $5,000,000.00 in United States Government Bonds, and it shall be the duty of the State Treasurer to safely hold and keep said Bonds for the uses and purposes herein provided. With respect to each of the aforesaid institutions the department, officer or agency having the supervision or management of each of said respective institutions, with the approval of the Governor, may contract for capital improvements for any of the institutions hereinabove specified and may contract against the appropriation herein made. Each of such contracts shall be awarded to the lowest and best bidder pursuant to competitive bids; and the Commissioner of Finance and the State Treasurer shall, from time to time, cash or sell a sufficient amount of the United States Government Bonds directed to be purchased out of the appropriation herein made to pay the estimates on such contracts awarded as herein provided, as and when such estimates become due.

Before any of this appropriation is expended for the construction, equipment, and furnishing of a tuberculosis sanitarium or tuberculosis sanitariums, the site or sites for such sanitarium or sanitariums shall be selected and the plans for the construction, equipment, and the furnishings thereof shall be made and approved by a State Tuberculosis Sanitorium Board, which shall be composed of five members, of whom the Commissioner of Welfare and the Secretary of the State Board of Health shall be ex-officio members, and the other three members shall be appointed by the Governor from a list of ten names to be submitted to the Governor by the President of the Kentucky State Medical Association. The members of said Board shall serve for a term of four years and until their successors are appointed and qualified, and the Board will elect its own Chairman and Secretary, and shall have and exercise full authority and control over the selection of sites and preparation and approval of plans and specifications for the construction, equipment, and furnishings for State Tuberculosis Sanitariums which may be constructed out of the funds hereby appropriated. Said Board shall also have full control over the management and operation of said sanatariums and of the awarding of contracts, with the approval of the Governor, for the construction, equipping and furnishing thereof. The members of said Board shall serve without pay; but their necessary traveling expenses and all other expenses authorized or incurred by said Board for making surveys, acquiring land, preparing plans and specifications, and other expenses incidental to the construction, equipment and furnishing, and for the operation of the institutions after their construction may be paid out of the appropriation herein made.

None of the Bonds purchased as provided in this Act shall be cashed or sold except as and for the uses and purposes herein provided. Any part of this appropriation not expended during the biennial period beginning July 1, 1944, and ending June 30, 1946, shall not lapse, but shall continue

until twenty-four months after a proclamation is issued by the President of the United States terminating the present National Emergency. Any balance of this appropriation which shall not have been expended or encumbered during the aforesaid biennium may be expended or encumbered at any time during such extended period for the uses and purposes and subject to the restrictions and limitations herein provided.

No part of this appropriation may be transferred for use or used for any other uses or purposes than those hereinabove expressly provided; and this appropriation may not be reduced by allotment or otherwise, except by expenditure made therefrom as hereinabove expressly provided.

3. Amend H. B. 35 in Senate by striking from Part Two lines 1 to 7, both inclusive, under the Department of Business Regulations, on page 31 of the printed bill, the following:

The salary of the secretary and other recurring expenses of operation of the Division of Supervision of Professional Regulations in the Department of Business Regulations shall be paid by assessments made against the funds of the professional agencies and boards under the Department of Business Regulations. The assessments shall be determined and fixed as provided in KRS 286.080.

4. Amend H. B. 35 in Senate by striking therefrom all of Sections 2, 3, 4 and 5 of Part Four, being all of pages 36, 37, and 38 and all of page 35 following line 19 of the printed bill, and by substituting in lieu thereof the following:

With the exception of the appropriations made in this Act which are by the terms of this Act directed to be invested in United States Government Bonds, the appropriations made in this Act for the ordinary recurring expenses and extra-

ordinary expenses and capital outlay shall not be available for expenditure until allotted by the Department of Finance as now provided by law. With the exception of the appropriations made in this Act which are by the terms of this Act directed to be invested in United States Government Bonds, the appropriations as specifically made in this Act hereby are declared to be maximum and conditional appropriations, except maximums may be supplemented from the Governor's Emergency Fund with respect to any specific appropriation, when the Governor determines an emergency exists requiring an additional allotment to be made from the Governor's General Emergency Fund (the Emergency Fund specifically provided in this Act, under Section 4, Executive Department, Item (d) 1, Part One of this Act.)

With the state of war now existing and economic conditions being unsettled, the effect of changing economic conditions upon the finances and upon the cost of operation of the various budget units, it hereby is declared to be the legislative policy that the Government of the Commonwealth of Kentucky shall be operated within the revenues received in each fiscal year. It is hereby further declared to be the public policy of this Commonwealth and the legislative intent of this Act that "the budget must be kept in balance and expenses must not exceed income." It is further declared to be the public policy of this State and the legislative intent of this Act that a "pay-as-you-go policy is sound and must be observed," in the administration of the State Government. As the total amount of revenues which will accrue during each fiscal year for which these appropriations are made can only be anticipated, it is the purpose and intent of this General Assembly and of this Act that State Expenditures for each fiscal year shall not exceed the total revenues collected during the fiscal year or either of said fiscal years. It hereby is declared to be the intention and purpose of the General Assembly that the Commissioner of Finance, with the advice

of the Commissioner of Revenue and the approval of the Governor, shall be, and he hereby is authorized, empowered, and directed to ascertain and determine the needs of each officer, department, board, commission, institution, agency, and subdivision of the State Government and to ascertain from time to time with reasonable accuracy the total revenues which will be received by the Commonwealth during the fiscal year; and upon the ascertainment and determination of said facts, he, the Commissioner of Finance, is hereby authorized, empowered, and directed to prevent an overdraft or deficit in any fiscal year for which the appropriations are made in this Act by equitably reducing, according to need, but without discrimination, the appropriations herein made to any officer, department, board, commission, agency, institution, or subdivision of the State Government.

It shall be the duty of each department head and the head of each budget unit to keep the expenditures of his department or budget unit, including any contractual obligations, within the amount allotted to each such department or budget unit by the Commissioner of Finance; and it shall be the duty of the Commissioner of Finance, the Governor, and the State Treasurer to see that no department, board, commission, institution, or agency of the Commonwealth expends any money or contracts any obligations in excess of the allotment made according to law by the Commissioner of Finance within the limits of the respective appropriations herein made. In no event shall any department, board, commission, institution or other agency of the Commonwealth or any budget unit incur any obligations which, added to other expenditures made by such budget unit during any fiscal year, will exceed the maximum allotment made to such budget unit by the Commissioner of Finance.

Nothing in this Act shall be construed as authorizing a reduction in any amount herein appropriated which is direct-

ed to be invested in United States Government Bonds, and the full amount so appropriated in each instance and so directed to be invested in United State Government Bonds shall be so invested. No part of the moneys so appropriated which are directed to be invested in United States Government Bonds shall be treated or considered as revenues accrued or to accrue in computing revenues or anticipated revenues of any budget unit for either of the fiscal years in the ensuing biennium (Beginning July 1, 1944, and ending June 30, 1946, with respect to the General Expenditure Fund); except and provided, however, that with respect to obligations for capital outlays incurred and for which the United States Government Bonds may be cashed or sold for the payment thereof, according to the terms and provisions of subsection (k), of Section 26 of this Act.

To fully effectuate the legislative intent and purpose of this Act, the Commissioner of Finance hereby is empowered and granted the authority to make allotments, and, from time to time, re-allotments to each of the respective budget units from the maximum appropriations herein made to each of the respective budget units; and it shall be the duty of the Commissioner of Finance to make said allotments and re-allotments to prevent any overdraft or deficit in any fiscal year for which appropriations herein are made; and to prevent the maximum appropriation made to any budget unit from being exceeded, it is hereby made the duty of the Commissioner of Finance and the Governor to see that the allotment to each budget unit within the maximum appropriations made by this Act shall be so limited that the total expenditures in any fiscal year, including contractual obligations incurred, shall not exceed the total revenues which will be received and paid into the State Treasury and which is applicable for the payment thereof in each of the respective fiscal years.

As used in this Act, unless the context requires otherwise, the terms "appropriation," "capital outlay," "disbursements," "expenditures," "expenses," "operating receipts," "receipts," and "revenues" shall be construed as defined in Section 45.010, Kentucky Revised Statutes.

Nothing in this Act shall be construed as repealing any appropriation now in effect for the fiscal year ending June 30, 1944; and nothing in this Act shall be construed as amending or altering any of the provisions of Chapter 42 of the Kentucky Revised Statutes pertaining to the duties and powers of the Commissioner of Finance, except to the extent that the provisions of said Chapter may be inconsistent with the provisions of this Act.

Section 45.120 Kentucky Revised Statutes, and all other laws and parts of laws in conflict with the provisions of this Act, to the extent of such conflict, hereby are repealed.

5. Amend H. B. 35 on page 22 of the printed copy, lines 7 and 8, Section 20, subsection (b) by striking therefrom the figures "$215,000.00" and inserting in lieu thereof the figures "234,000.00";

And further amend by striking the figures "$235,000.00" in lines 11 and 12, Section 20, subsection (c) and inserting in lieu thereof the figures "254,000.00"

6. Amend the title to H. B. 35 in Senate by striking from said bill the entire title on pages 1 and 2 of the printed bill, and substituting in lieu thereof the following:

An Act appropriating money for the operation, maintenance, support and functioning of the Government of the Commonwealth of Kentucky; designating the sources and funds from which said appropriations are made; and providing for the establishment of certain revolving funds speci-

tically mentioned, and the investment of certain funds; providing for money refunds; prescribing certain powers and duties of the Commissioner of Finance, the Governor, the State Treasurer and other public officials, institutions, boards, commissions, and agencies with respect thereto, and providing for the appointment of a State Tuberculosis Sanatarium Board, and prescribing its duties with respect to certain funds appropriated; and repealing Section 45.120, Kentucky Revised Statutes, and all other laws and parts of laws in conflict with any of the provisions of this Act.

Mr. Quill moved the Previous Question on said amendments.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Amendment No. 1 was then agreed to.

Amendment No. 2 was then agreed to.

The yeas and nays being taken thereon were as follows, viz.:

Those who voted in the affirmative were—

F. H. Bassett, Jr.	Fred Creasey	H. Clay Kauffman
Douglas T. Bolling	Adron Doran	M. Kavanaugh
J. C. Bradley	J. R. Dorman	J. T. Linton
Jno. W. Burkhart	Harry W. Ennis	A. L. Love
Chas. W. Burnley	Franklin Goins	C. C. May
C. D. Call	R. M. Hall	Johnston Miller
Fred Carpenter	Benton Howard	J. Lee Moore
Jno. H. Clarke, Jr.	Clyde S. Howard	W. B. Moser
A. Roy Copeland	Jerry F. Howell	C. Sid Nabb
John Henry Cox	Paul S. Jonas	Joe E. Nunn

H. C. Patterson	Wade H. Riley	Joe Stewart
Chester Peterson	H. G. Royalty	Roy L. Taylor
L. W. Preston	Amos Runyon	S. J. Wagner
Kleber F. Price	Leon J. Shaikun	Harry F. Walters
E. P. Prichard	Jno. W. Simmons	Speaker Harry
James E. Quill	Faust Y. Simpson	Lee Waterfield
L. Allen Rhoads	Geo. W. Steinford	—49

Those who voted in the negative were—

Chas. W. Anderson	W. H. Hunt	Carl Scheben
Isaac Blevins	Lee Johnson	F. W. Schuhmann
Willis Champion	Wm. E. Justice	Vernon Seaton
Marvin Cornett	G. M. Knuckles	George T. Smith
John P. Craig	Homer E. Losey	Robt. J. Spaulding
Thos. S. Dawson	Pearl McKinney	E. A. Spencer
T. H. Dyer	Harry L. Moore	Arthur Stallard
Bernie S. Edlin	Herbert V. Moore	C. W. Taylor
Dr. J. C. Gabbard	L. D. Moore	Egbert V. Taylor
Chas. B. Gentry	Coy C. Nevitt	H. Thieman, Jr.
J. D. Gross	Jno. C. Newcomb	Otis C. Thomas
Jas. P. Hallahan	Albert W. Pfeiffer	E. B. Thompson
Claude Hammons	Sylvester Phillips	John L. Trumbo
B. C. Holbrook	James T. Philpott	R. E. West
J. J. Huff	J. Gip Prather	Taylor Witt
W. N. Hughes	C. R. Reeves	—47

Amendment No. 3 was then agreed to.

Amendment No. 4 was then agreed to.

The yeas and nays being taken thereon were as follows, viz.:

Those who voted in the affirmative were—

F. H. Bassett, Jr.	J. C. Bradley	Chas. W. Burnley
Douglas T. Bolling	Jno. W. Burkhart	C. D. Call

Fred Carpenter	J. T. Linton	Wade H. Riley
Jno. H. Clarke, Jr.	A. L. Love	H. G. Royalty
A. Roy Copeland	C. C. May	Amos Runyon
John Henry Cox	Johnston Miller	Leon J. Shaikun
Fred Creasey	J. Lee Moore	Jno. W. Simmons
Adron Doran	W. B. Moser	Faust Y. Simpson
J. R. Dorman	C. Sid Nabb	Geo. W. Steinford
Harry W. Ennis	Joe E. Nunn	Joe Stewart
Franklin Goins	H. C. Patterson	Roy L. Taylor
R. M. Hall	Chester Peterson	S. J. Wagner
Benton Howard	L. W. Preston	Harry F. Walters
Clyde S. Howard	Kleber F. Price	Speaker Harry
Jerry F. Howell	Edw. P. Prichard	Lee Waterfield
Paul S. Jonas	James E. Quill	
M. Kavanaugh	L. Allen Rhoads	—48

Those who voted in the negative were—

Chas. W. Anderson	W. H. Hunt	Carl Scheben
Isaac Blevins	Lee Johnson	F. W. Schuhmann
Willis Champion	Wm. E. Justice	Vernon Seaton
Marvin Cornett	G. M. Knuckles	George T. Smith
John P. Craig	Homer E. Losey	Robt. J. Spaulding
Thos. S. Dawson	Pearl McKinney	E. A. Spencer
T. H. Dyer	Harry L. Moore	Arthur Stallard
Bernie S. Edlin	Herbert V. Moore	C. W. Taylor
Dr. J. C. Gabbard	L. D. Moore	Egbert V. Taylor
Chas. B. Gentry	Coy C. Nevitt	H. Thieman, Jr.
J. D. Gross	Jno. C. Newcomb	Otis C. Thomas
Jas. P. Hallahan	Albert W. Pfeiffer	E. B. Thompson
Claude Hammons	Sylvester Phillips	John L. Trumbo
B. C. Holbrook	James T. Philpott	R. E. West
J. J. Huff	J. Gip Prather	Taylor Witt
W. N. Hughes	C. R. Reeves	—47

Amendment No. 5 was then agreed to.

Mr. Quill moved the Previous Question on the bill.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Said bill was then rejected, having failed to receive the necessary majority of all those elected.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

F. H. Bassett, Jr.	Clyde S. Howard	Kleber F. Price
Douglas T. Bolling	Jerry F. Howell	Edw. P. Prichard
J. C. Bradley	Paul S. Jonas	James E. Quill
Jno. W. Burkhart	H. Clay Kauffman	L. Allen Rhoads
Chas. W. Burnley	M. Kavanaugh	Wade H. Riley
C. D. Call	J. T. Linton	H. G. Royalty
Fred Carpenter	A. L. Love	Amos Runyon
Jno. H. Clarke, Jr.	C. C. May	Leon J. Shaikun
A. Roy Copeland	Johnston Miller	Jno. W. Simmons
John Henry Cox	J. Lee Moore	Faust Y. Simpson
Fred Creasey	W. B. Moser	Geo. W. Steinford
Adron Doran	C. Sid Nabb	Joe Stewart
J. R. Dorman	Joe E. Nunn	Roy L. Taylor
Harry W. Ennis	H. C. Patterson	S. J. Wagner
Franklin Goins	Chester Peterson	Harry F. Walters
R. M. Hall	J. Gip Prather	Speaker Harry
Benton Howard	L. W. Preston	Lee Waterfield

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Those who voted in the negative were—

Chas. W. Anderson	John P. Craig	Dr. J. C. Gabbard
Isaac Blevins	Thos. S. Dawson	Chas. B. Gentry
Willis Champion	T. H. Dyer	J. D. Gross
Marvin Cornett	Bernie S. Edlin	Jas. P. Hallahan

Claude Hammons	Herbert V. Moore	Robt. J. Spaulding
B. C. Holbrook	L. D. Moore	E. A. Spencer
J. J. Huff	Coy C. Nevitt	Arthur Stallard
W. N. Hughes	Jno. C. Newcomb	C. W. Taylor
W. H. Hunt	Albert W. Pfeiffer	Egbert V. Taylor
Lee Johnson	Sylvester Phillips	H. Thieman, Jr.
Wm. E. Justice	James T. Philpott	Otis C. Thomas
G. M. Knuckles	Carl Scheben	E. B. Thompson
Homer E. Losey	F. W. Schuhmann	John L. Trumbo
Pearl McKinney	Vernon Seaton	R. E. West
Harry L. Moore	George T. Smith	Taylor Witt

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Mr. Burnley moved that the vote by which said bill was rejected, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Hammons offered the following resolution, viz.:

A RESOLUTION commending the Honorable Letcher Knuckles of Bell County, a former member of the House.

Be it Resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

The House wishes to hereby recognize and commend, and to spread upon its records, the splendid career of the Honorable Letcher Knuckles of Bell County, a son of the Honorable G. M. Knuckles, the present Representative from Bell County, and who was in his own right a former Member of this House. Further, the Honorable Letcher Knuckles is now rendering patriotic and valuable service to his country as a field worker in the various Army Camps for the American Red Cross, and prior to this served his state as a teacher and principal in the public schools of Bell and Perry Counties. The House takes this opportunity to commend the fine record of this splendid young man.

Said resolution was adopted.

By the instance of the Committee on Rules, and without objection, the following bills and resolution were introduced, viz.:

By Mr. Smith.

H. B. 406. AN ACT to repeal, amend and reenact as amended section 160.180 of the Kentucky Revised Statutes, 1942 Edition, pertaining to qualifications of school board members.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 160.180 of the Kentucky Revised Statutes, 1942 Edition, be repealed, amended and reenacted to read as follows:

(1) No person shall be eligible to membership on a board of education:

(a) Unless he has attained the age of twenty-four years; and

(b) Unless he has been a citizen of Kentucky for at least three years preceding his election and is a voter of the district for which he is elected; or

(c) Who holds or discharges the duties of any civil or political office, deputyship or agency under the city or county of his residence; or

(d) Who, at the time of his election, is directly or indirectly interested in the sale to the board of books, stationery

or any other property, materials, supplies, equipment or services for which school funds are expended; or

(e) Who has been removed from membership on a board of education for cause.

(2) If, after the election of any member of the board, he becomes interested in any contract with or claims against the board, of the kind mentioned in paragraph (d) of subsection (1) of this section, or becomes a candidate for nomination or election to any office or agency the holding and the discharging of the duties of which would have rendered him ineligible before election, or if he moves his residence from the district for which he was chosen, or if he does anything that would render him ineligible for reelection, his office shall without further action be vacant.

(3) A board member shall be eligible for reelection unless he becomes disqualified.

(4) No member of a board of education shall vote regarding the appointment or employment in any capacity of any person related to him as father, mother, brother, sister, husband, wife, son, daughter, nephew, niece, aunt, uncle, son-in-law, daughter-in-law or first cousin, and the majority vote of the remainder of the board is required in case of appointment or employment of such person.

By Mr. Simpson.

H. B. 407. An Act relating to the unsurpation of offices or francises.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 484 of the Civil Code of Practice is amended to read as follows:

It shall be the duty of the several Commonwealth's attorneys to institute the actions mentioned in this chapter against usurpers of county offices or franchises, if no other person be entitled thereto, or if the person entitled fail to institute the same during three months after the usurpation. In addition, the Attorney-General shall have authority to institute actions against usurpers of county offices.

By Mr. Shaikun.

H. B. 408. An Act relating to inheritance taxes.

Said bill is as follows, viz.:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (3) of section 140.180 of the Kentucky Revised Statutes is repealed.

By Mr. Doran.

H. B. 409. AN ACT to control and prevent the spread of infectious and communicable diseases among live stock and poultry, the regulation and control of the sale of baby chicks at auction, auction sale barns and community sales, requiring permits to conduct such sales and prescribing certain requirements to prevent spread of the disease and describing penalties for violation thereof and declaring an emergency to exist.

Said bill is as follows, viz.:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

1. Permit Required. That before any baby chicks are offered for sale at any auction or auction sale barn or community sale, except public sales conducted by farmers selling baby chicks reared on their own premises, a permit shall be granted to offer such baby chicks for sale by the Live Stock Sanitation Division of the Department of Agriculture or the State Veterinarian.

2. Fees. Any person desiring to offer baby chicks for sale at any auction or auction sale barn or community sale shall apply for a permit from the Live Stock Sanitation Division of the Department of Agriculture or the State Veterinarian on a form which shall be prescribed and furnished by the Live Stock Sanitation Division of the Department of Agriculture. The application shall be signed by the person who proposes to conduct such sale, together with the person who owns the property in or on which such sale is to be conducted, if the person who proposes to conduct such sale does not own such property. The application shall designate the date of the proposed sale, the number and breed of the chicks which are to be offered for sale and the person by whom they were produced, and shall be accompanied by a fee in the sum of Fifteen Dollars ($15.00) for each and every day or fraction thereof during or on which it is proposed to sell such baby chicks. The State Live Stock Sanitation Division of the Department of Agriculture or the State Veterinarian are hereby authorized in its or his discretion to grant or deny the permit requested in such application and if deemed advisable, to require the applicant to submit a certificate in such form as the Live Stock Sanitation Division or the State Veterinarian may prescribe certifying that the baby chicks which are to be offered for sale are in a healthy condition and free from such diseases as the Division of Live Stock Sanitation or the State Veterinarian may designate.

3. Labeling of Crates. Before any such chicks are offered for sale or sold each box, crate, coop or other container

shall be plainly labeled with appropriate statements designating the kind and number of chicks in each such container, the date on which such chicks were hatched and by whom hatched and any other representations made at or prior to the time of sale relative to the purity of the breed, the freedom of such chicks from disease and such tests as shall have been made on the parent stock for Bacillary White Diarrhoea, Fowl typhoid or tuberculosis.

4. Report Required. Within three days after the sale shall have been held, the person who conducted the sale shall send a statement to the Livestock Sanitation Division of the Department of Agriculture or the State Veterinarian giving a complete list of the number, the kind of baby chicks sold at such sale, the name and address of each purchaser together with a copy of the representations and guarantees made in relation thereto, if any were made by the person who conducted such sale, and the person conducting such sale shall be held to have had full knowledge of the representations and guarantees made at the time of such sale and shall be as fully responsible and liable for any such representations and guarantees as is the person who sets forth such representations and guarantees on the containers, as provided in Section 3 of this Act.

5. Regulations. The Live Stock Sanitation Division of the Department of Agriculture is hereby authorized to make such rules and regulations as may be necessary to administer the provisions of this Act and to prevent the spread of disease among poultry.

6. Definitions. The term "baby chicks" as used in this Act means any domestic fowl under the age of six weeks. The term "person" includes also firms and corporations.

7. Penalties. Any person who shall violate any of the provisions of this Act shall be deemed guilty of a misdemeanor

and upon conviction thereof shall be fined in any sum not to exceed One Hundred Dollars ($100.00).

8. Revolving Fund Created. All money collected under the provisions of This Act shall be paid to the State Treasurer and by him placed in a Revolving Fund to be used by the Kentucky Department of Agriculture for the purpose of enforcing the provisions of this Act.

9. Emergency Declared. Inasmuch as the spring of the year is the hatching season and the unscrupulous handling of chicks is causing great loss to the purchasers of chicks in Kentucky, an emergency is hereby declared to exist for the immediate taking effect of this Act, the same shall be in full force and effect from and after its passage and approval by the Governor of the Commonwealth.

By Mr. Love.

H. B. 410. An Act relating to game and fish.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Subsection (1) of section 150.490 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person shall take mussels for commercial purposes without a license issued by the director, except that no license shall be required to take mussels from the Tennessee River above the Kentucky Dam, and the provisions of KRS 150.500 to 150.520 shall not apply to the taking of mussels from the Tennessee River above the Kentucky Dam.

§ 2. Whereas, the Tennessee Rive above the Kentucky Dam is about to be flooded, causing a cessation of musseling operations, an emergency is declared to exist and this Act shall take effect upon its passage and approval by the Governor.

By Mr. Biggers.

H. B. 411. An Act relating to the qualifications of justice of the peace.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. No person shall be eligible to the office of Justice of the Peace in this Commonwealth unless he has completed at least the eighth grade in the common schools as shown by the records of the school in which the eighth grade was completed, or by affidavits of the teacher or teachers under whom the work was completed, or unless he has the equivalent of an eighth grade education as determined by an examination held under rules and regulations adopted by the State Board of Education.

By Messrs. Jonas and Spencer.

H. B. 412. AN ACT to repeal, amend, and re-enact Chapter 339, Sections 339.010, 339.020, 339.030, 339.070, 339.080, 339.110, 339.120, 339.130, 339.180, 339.200 and 339.900, inclusive, Kentucky Revised Statutes, 1942 Edition, pertaining to Child Labor and Employment and Regulation of Employment of Infants.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. Section 339.010 is hereby amended to read: Limitation on employment of children.

a. No person shall employ or permit any child under sixteen years of age to work in any gainful occupation or service at any time until such person has secured and placed on file in his establishment a work permit for the child as provided in Sections 339.020 and 339.030 of this Chapter.

b. No child under 16 years of age shall be gainfully employed or permitted to work in any occupation or service whatsoever, or furnished merchandise, including newspapers, magazines and periodicals, to sell or deliver except in accordance with Sections 339.020 and 339.180.

c. No child under 16 years of age shall be employed or permitted to work in any occupation or service whatsoever during any of the hours when the public schools of the school district in which the child resides are in session, except as provided in Section 339.020 of this Chapter.

2. Section 339.020 is hereby amended to read: To whom work permits may be issued. Any board of education through its superintendent or other authorized agent may issue work permits to children under sixteen years of age, except in prohibited occupations as provided in Section 339.120 and prohibited occupations in establishments subject to the provisions of the Federal Law, under the following conditions:

a. A work permit may be issued to a child who is under the age of sixteen years but who has passed his fiifteenth birthday who has completed the seventh grade of a public school course or an equivalent course.

b. A work permit may be issued to a child who is under the age of sixteen years but who has passed his fourteenth

birthday who holds a certificate of completion of an eight year elementary school course or an equivalent course.

c. A work permit may be issued to a child between 14 and 16 years for employment during school vacation time, on holidays and before and after school in accordance with this Chapter without consideration of educational qualifications, provided, however, that work permits issued for work during the regular school term under this subsection shall be revoked if the child is not making passing grades, and it shall be the duty of the school principal to notify the issuing officer so that the same may be revoked in accordance with provisions of this Chapter; notice of such revocation shall be furnished to the Commissioner of Industrial Relations by the Issuing Officer.

3. Section 339.030 is hereby amended to read: Procedure to obtain Work Permits.

a. No work permit may be issued to any child until he, accompanied by his parent, guardian, or a person having control or custody of him, appears in person before the proper officer of the board and makes application for it.

b. No work permit shall be issued until the issuing officer has examined, approved and recorded the following duly executed papers:

(1) A copy of the school record of the child, giving age, grade and attendance for the current term, signed by the principal or teacher.

(2) Evidence of age, in the order named, as follows: a certificate of birth, or a baptismal record duly attested, or a passport, or a school record of age supported by a physician's certificate of age and an affidavit of the parent, guardian or custodian of the child, sufficient to convince the issuing author-

ity that the child has attained the age required by law. No subsequent evidence shall be accepted until it can be determined that the next preceding evidence is not extent or obtainable.

(3) A written statement of the prospective employer that work is waiting for the child, with a description of the nature of the work.

(4) A certificate signed by a regularly licensed physician or public health officer stating that the child has been thoroughly examined by him and that, in his opinion, he is physically fit to pursue the work specified. No fee shall be charged for this examination certificate.

c. The parent, guardian, or custodian accompanying the child shall make oath that his statements setting out the name, address, birthplace and age of the child, as entered upon the application for the work permit, are true to the best of his knowledge and belief.

d. The officer authorized to issue work permits shall administer oaths required by this section but no fee shall be charged for administering oaths or for issuing the permit.

4. Section 339.070 is hereby amended to read: Employers' responsibility.

a. Every person employing children under 21 years of age shall keep a current record containing the names, ages, and addresses of such employees, amount of wages paid each pay period and hours of employment for each day and each week, and shall keep on file during the term for which issued all work permits and certificates of age required by this section for minors. These records and files shall be open at all times to the inspection of school attendance and probation officers,

and representatives of the Department of Industrial Relations and the State Department of Education.

b. Within five days after the termination of work permits, notification shall be sent by the employer to the Board of Education of the district which authorized the permit. This notification shall contain the latest correct address of the child known to the employer.

c. No employer shall be prosecuted for employing a child at an age prohibited by this chapter, if the employer at the time of employing the child, in good faith procured a work permit or certificate of age, showing the child to be of an age not prohibited for the employment, and has kept the permit or certificate on file and in good faith relied upon it.

5. Section 339.080 is hereby amended to read: School superintendents' reports; Revocation of permits.

a. The Superintendent of Schools in each school district shall, between the first and tenth day of each month, send to the Department of Industrial Relations a duplicate copy of each work permit or age certificate issued or revoked during the previous month.

b. If a representative of the Department of Industrial Relations finds that the age of any child as given on a work permit or age certificate is incorrect, or that the time record is not kept in accordance with this Chapter, he shall notify the child, the employer and the issuing officer that the permit is suspended and indicate the suspension on the permit or certificate. The representative suspending the permit or certificate shall forward a statement of the facts for which the suspension was made to the Commissioner of Industrial Relations who will either revoke the permit or certificate or veto the suspension. Due notice shall be sent to the child's parents, guardian or custodian, to the employer, and to the

issuing officer of the action taken in regard to a suspended permit or certificate. If the suspension is vetoed a new permit or certificate shall be issued upon the surrender of the one suspended.

6. Section 339.110 is hereby amended to read: Maximum Hours. No person under sixteen years of age shall be employed or permitted to work at any occupation or service whatsoever for more than six days in any one week, except the delivery and selling of newspapers on the seventh day, or more than forty-eight hours in any one week, or more than eight hours in any one day, or before six o'clock in the morning or after seven o'clock in the evening of any day; provided, however, that no child who is allowed to work in accordance with subsection (c) of section 339.020 of this Chapter shall be permitted to work more than three (3) hours a day on regular school days or more than twenty-three (23) hours a week during any regular school term. The presence of any child during working hours shall be prima facie evidence of his employment there.

7. Section 339.120 is hereby amended to read: Prohibited Occupations. No child under 16 years of age shall be employed or permitted to: (1) Operate or assist in the operation of or work as a helper on any power-driven machinery of any kind, except the operation or servicing office equipment such as typewriters, adding machines, calculators, etc.; (2) operate a motor vehicle or work as a helper on same; (3) work in proximity to any hazardous or unguarded belts, machinery or gearing; (4) work upon any railroad whether steam, electric or hydraulic; (5) work in any capacity in processes in which dangerous or poisonous acids or gases are used; (6) work in the manufacturing or packing of paints, colors of white or red lead; (7) work at soldering or welding; (8) work in occupations causing dust in injurious quantities; (9) work in the manufacture or use of dangerous or poisonous dyes; (10) operate or assist in operation of any frieght or passenger

elevators; (11) work in the manufacture or use of compositions of lye; (12) work in any tunnel or excavations; (13) work on scaffolding; (14) work in any capacity in, about or in connection with any mine, coke oven or quarry; (15) work in assorting, manufacturing or packing tobacco; (16) work in any pool or billiard room; (17) work in any distillery, brewery, or other establishment where malt or alcoholic liquors are manufactured, packed, or bottled; (18) work in any establishment where intoxicating liquors are sold for consumption on the premises; (19) work in any bowling alley; (20) work in any other occupation found and declared by the Commissioner of Industrial Relations after public hearing to be dangerous to the life or limb or injurious to the health or morals of a child. In matters involving the health of a child the State Commissioner of Health shall be consulted by the Commissioner of Industrial Relations before promulgating any rules or regulations based upon health of the child.

8. Section 339.130 is hereby amended to read: Machinery instruction allowed at school. Nothing in this Chapter shall prevent the use of suitable machinery for instruction in school where the mechanical arts, trades or shop courses are taught in connection with and as part of the school curriculum. The use of such machinery for instruction in any public or private school shall be subject to the approval of the Board of Education of the district where the school is situated, and shall be subject to the provisions of this Chapter and other state laws pertaining to supplying safeguards for the protection of those using such machinery.

9. Section 339.180 is hereby amended to read: Regulations for street occupations.

a. No girl under eighteen or boy under fourteen years of age shall be employed or permitted to work at any time in any city of the first, second, or third class in or in connection with the street occupations of peddling, bootblacking, the distribu-

tion or sale of newspapers, magazines, periodicals or circulars, or in any other occupation pursued in any street or public place.

b. No boy between fourteen and sixteen years of age shall be employed or permitted to work in any city of the first, second or third class in or in connection with the street occupations of peddling, boot-blacking, the distribution or sale of newspapers, magazines, periodicals or circulars, or in any other occupation pursued in any street or public place except upon the following conditions:

(1) A boy between fourteen and sixteen years of age, may, upon obtaining a work permit in accordance with the conditions set forth in Sections 339.020 and 393.030 of this Chapter, be entitled to engage in the street trades above mentioned at any time that the schools of the district in which he resides are not in session, but not before six A. M. nor after eight P. M. The permit shall be issued to said boys, shall be of a form designated by the State Board of Education so as to be distinct and different from the other work permits issued, shall be of a different color each calendar year, shall be reissued each calendar year, and shall be in possession of the recipient while at his work.

c. The Department of Industrial Relations, school-attendance officers, police officers, and juvenile court probation officers shall enforce this section.

10. Section 339.200 is hereby amended to read: Enforcement of Chapter.

a. The Department of Mines and Minerals shall have jurisdiction over the Administration and enforcement of this Chapter in all mines; except as otherwise provided, the Department of Industrial Relations shall have exclusive juris-

diction over the administration and enforcement of this Chapter in all other industries and occupations.

b. School-attendance officer shall report any cases of employment that they find in violation of this Chapter to the Department of Industrial Relations.

c. Representatives of the Department of Industrial Relations, the Department of Mines and Minerals and school-attendance officers may require that the work permits and age certificates and records required in this Chapter be produced for their inspection. Complaints for offenses in this Chapter, except as otherwise provided, shall be brought by the Department of Industrial Relations.

11. Section 339.990 is hereby amended to read: Penalties. Whoever employs or permits or suffers any minor to be employed in violation of this Chapter or furnishes merchandise, including newspapers, periodicals and magazines, and permits a child to work in violation of this Chapter, or obstructs or misleads the Department of Industrial Relations or the Department of Mines and Minerals or a board of education, its officers or agents, or any other person authorized to inspect places of employment under this Chapter, and whoever, having under his control and custody any minor permits or suffers him to be employed or to work in violation of this Chapter, shall be fined not less than $25.00 nor more than $100.00. Each day during which any violation of this Chapter continues shall constitute a separate and distinct offense and the employment of any minor in violation of this Chapter shall, with respect to each minor so employed, constitute a separate and distinct offense.

By Mr. Burnley.

H. B. 413. An Act providing for the disposition of money received by the Commonwealth through the operation of toll bridges.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The sum of $424,067.15, being the amount collected by the Department of Highways from tolls on certain state-owned toll bridges after a sufficient amount had been previously collected to retire the indebtedness against such bridges, is hereby appropriated out of the unencumbered balance in the State Road Fund as of the close of the fiscal year of the Department of Highways ending March 31, 1944, to the Department of Highways, to be used solely for the retirement of bonded indebtedness against state-owned toll bridges. The amount appropriated shall be so used as to retire a proportionate amount of the indebtedness against each bridge. Any funds representing receipts from tolls on state-owned toll bridges in excess of the amount required to retire the indebtedness on the bridges from which the tolls were collected, which funds are held in any special account on the effective date of this Act, shall, on such date, be transferred to the State Road Fund.

§ 2. Immediately upon the taking effect of this Act, a sufficient amount of cash in the State Treasury shall be earmarked to meet the appropriation made by this Act.

§ 3. Whereas, the existence of toll bridges in this state is retarding the War Effort, an emergency is declared to exist and this Act shall take effect upon its passage and approval by the Governor.

Ordered that said bills be printed and referred

To the Committee on Rules.

Mr. Quill moved that the House do now adjourn to meet again on Monday, March 6, at seven-thirty o'clock P. M.

Said motion was agreed to.

And then the House adjourned.

MONDAY, MARCH 6, 1944.

The House was called to order by The Honorable Harry Lee Waterfield, Speaker.

The House was opened with prayer by the Reverend F. T. Moffatt of the First Baptist Church of Frankfort.

The roll was called and the following members answered to their names, viz.:

Chas. W. Anderson	J. R. Dorman	Paul S. Jonas
Henry Arrowood	T. H. Dyer	Wm. E. Justice
F. H. Bassett, Jr.	Bernie S. Edlin	H. Clay Kauffman
Isaac Blevins	Harry W. Ennis	M. Kavanaugh
Douglas T. Bolling	Dr. J. C. Gabbard	G. M. Knuckles
J. C. Bradley	Chas. B. Gentry	J. T. Linton
Jno. W. Burkhart	Franklin Goins	Homer E. Losey
Chas. W. Burnley	J. D. Gross	A. L. Love
C. D. Call	R. M. Hall	Pearl McKinney
Fred Carpenter	Jas. P. Hallahan	C. C. May
Willis Champion	B. C. Holbrook	Johnston Miller
Jno. H. Clarke, Jr.	Claude Hammons	Harry L. Moore
A. Roy Copeland	Clyde S. Howard	J. Lee Moore
John Henry Cox	Jerry F. Howell	L. D. Moore
John P. Craig	J. J. Huff	W. B. Moser
Fred Creasey	W. N. Hughes	C. Sid Nabb
Thos. S. Dawson	W. H. Hunt	Coy C. Nevitt
Adron Doran	Lee Johnson	Jno. C. Newcomb

Chester Peterson	Carl Scheben	C. W. Taylor
Albert W. Pfeiffer	F. W. Schuhmann	Egbert V. Taylor
Sylvester Phillips	Vernon Seaton	H. Thieman, Jr.
James T. Philpott	Leon J. Shaikun	Otis C. Thomas
J. Gip Prather	Jno. W. Simmons	E. B. Thompson
L. W. Preston	Faust Y. Simpson	John L. Trumbo
Edw. F. Prichard	George T. Smith	S. J. Wagner
James E. Quill	Robt. J. Spaulding	Harry F. Walters
C. R. Reeves	E. A. Spencer	R. E. West
L. Allen Rhoads	Arthur Stallard	Taylor Witt
Wade H. Riley	Geo. W. Steinford	Speaker Harry
H. G. Royalty	Joe Stewart	Lee Waterfield
Amos Runyon	Thos. M. Swope	

Mr. Copeland moved that the reading of the Journal of Friday's proceedings be dispensed with.

Said motion was agreed to.

A message was received from the Senate announcing that they had passed bills and resolutions which originated in that body, entitled:

S. B. 93. AN ACT relating to commitment of incompetents and amending Sections 202.120, 202.130, 203.020, 203.030 and 203.040, Kentucky Revised Statutes.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That sub-section (3) of Section 202.120, Kentucky Revised Statutes, be amended and reenacted so that as amended and reenacted it shall read as follows:

"(3) Within thirty days after such commitment, if the superintendent and clinical director, or a staff physician

acting in the latter capacity, of the institution to which the person has been committed finds that the person is insane (psychotic), they shall so certify to the court which committed him; whereupon an inquest shall be held in accordance with the provisions of this chapter, and upon the trial the testimony of physicians appointed under KRS 202.100 may be heard, and in addition thereto the certified statement of the superintendent and clinical director, or a staff physician acting in the latter capacity, of the institution to which the person has been committed shall also be admissible as evidence."

Section 2. That Section 202.130, Kentucky Revised Statutes be amended and reenacted so that as amended and reenacted it shall read as follows:

"No inquest shall be held unless the defendant is in court, except, when it appears from the oath or affidavit of two regular practicing physicians that they have examined him and that they believe that his condition is such that it will be unsafe or unwise to bring him into court, or except upon the presentation of an affidavit from the superintendent and clinical director, or a staff physician acting in the latter capacity, of the institution to which the defendant has been committed under KRS 202.120 or admitted under KRS 203.020, KRS 203.030, or KRS 203.040 that the defendant is insane (psychotic)".

Section 3. That Subsection (2) of Section 203.020, Kentucky Revised Statutes, be amended and reenacted so that as amended and reenacted it shall read as follows:

"(2) Such patient shall not be detained against his will for more than ten days from the date that patient notifies the superintendent of his desire to leave the institution. If the superintendent and clinical director, or a staff physician

acting in the latter capacity, believe that the patient is dangerous to himself or to society they, or either of them, shall within the same ten days file a petition in the proper court for an inquest concerning the sanity of the patient as provided in Chapter 202 of the Kentucky Revised Statutes, however, the court instead of appointing physicians to make the examination as provided in KRS 202.100 and KRS 202.110 may admit as evidence the affidavit of the superintendent and clinical director, or a staff physician acting in the latter capacity, of the institution in which the patient has been confined that the defendant is insane (psychotic)".

Section 4. That Sub-section (3) of Section 203.030, Kentucky Revised Statutes, be amended and reenacted so that as amended and reenacted it shall read as follows:

"(3) If the superintendent and clinical director, or a staff physician acting in the latter capacity, find a patient to be a suitable person for care and treatment, they, or either of them, shall file a petition in the proper court for an inquest concerning the sanity of the patient as provided in Chapter 202 of the Kentucky Revised Statutes; however, the court instead of appointing physicians to make the examination as provided in KRS 202.100 and KRS 202.110 may admit as evidence the affidavit of the superintendent and clinical director, or a staff physician acting in the latter capacity, of the institution in which the patient has been confined that the defendant is insane (psychotic)".

Section 5. That Sub-section (2) of Section 203.040, Kentucky Revised Statutes, be amended and reenacted so that as amended and reenacted it shall read as follows:

"(2) Immediately upon admission the superintendent shall notify the circuit court, or county court if the circuit court is not in session, accompanying the notice with a petition for an inquest, but holding the patient in custody until the

inquest is ordered by the court; however, if the admission be to a mental hospital, the court instead of appointing physicians to make the examination as provided in KRS 201.100 and KRS 202.110 may admit as evidence the affidavit of the superintendent and clinical director, or a staff physician acting in the latter capacity, of the institution in which the patient has been confined that the defendant is insane (psychotic)".

Section 6. In no case where the affidavit of the Superintendent and clinical director, or a staff physician acting in the latter capacity, is admitted as evidence as provided in the above Sections one to five inclusive, shall any fee be charged; it being considered a part of the regular State service.

S. B. 30. AN ACT to provide for payment of death, inheritance and other taxes levied or assessed by the United States Revenue Acts and by the laws of Kentucky against the estates of deceased persons: Providing how, and by whom, said taxes shall be paid, the amount determined, the manner of collection and payment, and how said taxes shall be distributed and prorated among the devisees, legatees, distributees, giftees and transferees; and providing the courts in which said taxes shall be determined.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Whenever it appears in any appropriate action or proceeding that an executor, administrator, trustee or other person acting in a fiduciary capacity, has paid a death tax levied or assessed under the provisions of the United States Revenue Act of nineteen hundred twenty-six, as

amended by the United States Revenue Act of nineteen hundred twenty-eight, or any other Amendment thereto, or under any death tax law of the United States hereafter enacted, or any inheritance or other tax to take effect upon the death of any person pursuant to any law of this State, or any law that may hereafter be enacted, upon or with respect to any property required to be included in the gross estate of a decedent under the provisions of any such law or laws, the amount of the tax so paid, except in a case where a testator otherwise directs in his will, shall be equitably prorated among the persons interested in the estate to whom such property may be or has been transferred, or to whom any benefit accrues. Such proration shall be made by the County Court or other Court in which an action may be pending to settle said estate in the proportion, as near as may be, that the value of the property, interest or benefit of each person bears to the total value of the property, interests and benefits received by all such persons interested in the estate, except that in making such proration allowances shall be made for any exemptions granted by the act imposing the tax and for any deductions allowed by such act for the purpose of arriving at the value of the net estate; and except that in cases where a trust is created, or other provision made whereby any person is given an interest in income, or an estate for years, or for life, or other temporary interest in any property or fund, the tax on both such temporary interest and on the remainder thereafter shall be charged against and be paid out of the corpus of such property or fund without apportionment between remainders and temporary estates.

Section 2. So far as is practicable and unless otherwise directed by the will of the decedent the tax shall be paid by the executor as such out of the estate before its distribution. In all cases in which any property required to be included in the gross estate does not come into the possession of the executor as such, he shall be entitled, and it shall be his duty,

to recover from whomever is in possession, or from the persons interested in the estate, the proportionate amount of such tax payable by the persons interested in the estate with which such persons interested in the estate are chargeable under the provisions of this Act, and the Court may by order direct the payment of such amount of tax by such persons to the executor.

No executor, administrator or other person acting in a fiduciary capacity shall be required to transfer, pay over or distribute any fund or property with respect to which a federal or state estate tax is imposed until the amount of such tax or taxes due from the devisee, legatee, distributee, giftee, or other person to whom such property is, or has been, transferred or is paid, or, if the apportionment of tax has not been determined, adequate security is furnished by the transferee for such payment.

Section 3. The Court upon making a determination as provided in this Act shall make a decree or order directing the executor or other fiduciary to charge the prorated amounts against the persons against whom the tax has been so prorater in so far as he is in possession of property or interests of such persons against whom such charge may be made and summarily directing all other persons against whom the tax has been so prorated or who are in possession of property or interests of such persons to make payment of such prorated amounts to such executor or other fiduciary.

Any judgment of a County Court under and pursuant to this Act may be appealed by any interested party to the Circuit Court of the County in which said judgment is rendered within thirty (30) days from rendition thereof by any interested party, and any judgment of the Circuit Court may be appealed to the Court of Appeals of Kentucky within sixty (60) days from rendition thereof. Both the Circuit

Court and Court of Appeals shall advance said case for trial when proper showing is made.

All laws and parts of laws in conflict herewith are hereby repealed.

S. B. 94. AN ACT relating to elections of electors of President and Vice President of the United States, of United States Senators, and Representatives in Congress, in time of war, how conducted, declaring who is an absent voter, permitting him to register and vote in all special, general, and primary elections of electors for President and Vice President of the United States, United States Senators, Representatives in Congress, and providing a method therefor, fixing the penalties for a violation thereof, repealing all laws and clauses of laws in conflict therewith, and declaring an emergency to exist.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. *Right of Absentees to Vote in Time of War.* In time of war every voter of the Commonwealth of Kentucky, who expects in the course of his business or duties to be absent from the county in which is situated his voting precinct or ward on the day of holding any special, general, or primary election, but who is otherwise eligible to register and qualified to vote in any election for electors of President and Vice President of the United States, United States Senators, and Representatives in Congress shall be entitled to vote for such officers in accordance with the provisions of this Act. Provided that such voter shall have registered, pursuant to the registration laws of this state now in force, or in accordance with the provisions of this Act.

Section 2. *Applications for Ballots—Time of Making.* Any absent voter, as defined in the foregoing section, expecting to be absent from the county of his residence on the day of such election, may make an application in writing, at any time prior to such election, on the form hereinafter prescribed or on the form prescribed by Congress, to the Secretary of State of Kentucky for an absent voter ballot to be voted in such election, and the Secretary of State shall, after making a record of the name and residence of such applicant, transmit such application to the proper registration official of the residence of such voter, with all necessary instructions to said local registration official as to his duties hereunder.

Section 3. *Form of Application—Affidavit.* Applications for such ballot shall be signed and sworn to by the "absent voter" before a civil officer authorized by law to administer an oath, provided that if such "absent voter" is in the military or naval service of the Commonwealth of Kentucky or the United States, or serving in or attached to any branch of said services, he may swear to said application before any commissioned military or naval officer of the Commonwealth of Kentucky or the United States, or any branch of the Armed Forces. Said application shall be substantially in the following form:

"Secretary of State of Kentucky,
Frankfort, Kentucky.

"I, ..., state that I am a resident of the State of Kentucky and have been such for at least one year prior to the date hereof. I am a resident of ..... County and have been such for more than six months prior to said date, and am a resident of ————precinct of said county (or ..... ward of the city of ....., county of .....) at least sixty days prior to said date; that I am a duly qualified voter of said precinct (or said ward); that in the course of my business or duties I expect to be absent from said precinct or ward on the election

to be held in said precinct or ward on the .....day of ....., 19 ....., and I will not vote elsewhere at said election. I request that an official ballot be mailed to me at the following address:

.....

(Name and Address)

.....

Voter must sign here, and oath must be administered and attested.

"Subscribed and sworn to before me this .....day of ....., 19.....

.....

(Name and Official Title)"

Section 4. *Registration of Absent Voters.* It shall be the duty of such local registration official, upon receipt of said application from the secretary of state to: (a) If the applicant is found to be registered in the proper registration book, the said registration official shall mark the registration record of the applicant "absent voter" and immediately so advise the secretary of state; (b) If the applicant is found by the local registration official not to be registered in the registration record of the voting precinct in which the applicant declares he is a resident, upon determining that the applicant is entitled to register under the laws of the Commonwealth of Kentucky, the said registration official shall register such applicant in the registration records in his office, mark the same "absent voter," and the same shall constitute sufficient registration under the laws of this State. Notice of such registration shall be given the secretary of state.

The local registration official shall prepare a list of the names of all persons who have applied for absentee ballots under federal statute or under this Act, and whose names he has registered on the records of his office as an absentee

voter. Such list shall be delivered by the local registration official to the precinct election officers of each precinct at the same time other election paraphernalia is delivered to them on the morning of the election which shall be posted by the precinct officers in a public place in the voting precinct where it may be inspected by any voter. This list shall be entitled "List of Applicants for Absentee Ballots".

Section 5. *Official Ballots and Booklets.* The Secretary of State shall cause to be prepared and printed an appropriate number of official absentee voters ballots. Such ballots shall provide for voting for electors of President and Vice President of the United States, United States Senators and Representatives in Congress. Such ballots shall be uniform in size and in style and type, and the type and paper shall conform generally to that used for the regular official ballots of this State in special, general and primary elections. Such ballots shall be printed in such form as may be appropriate for carrying out the provisions of this Act.

Section 6. *Official Envelopes and Instructions for Voters.* (a) The Secretary of State of Kentucky shall also cause to be prepared and printed an appropriate number of official envelopes for use in connection with such absentee voters ballots. Each such envelope shall be gummed, ready for sealing. Upon one side of such envelope shall be printed in substantially the following form the following:

OFFICIAL ABSENTEE VOTERS BALLOT

Name of Voter .....
Residence (street and number, if any) .....
County of .....
City or Town of .....

On the other side of such envelope shall be printed the following oath:

"I do hearby swear, (or affirm), that I am a citizen of

the United States and am now of the age of at least twenty-one years or will be on the .....
(here insert the day of the election,) that I will have been an inhabitant of the State of Kentucky for at least one year next preceding this election and for more than six months preceding such election, a resident of the County of ....., and a resident of .....precinct of said county (or .....ward of the City of ....., County of .....), at least sixty days preceding such election; that I am a duly qualified voter of said precinct or said ward; that in the course of my business or duties I expect to be absent from said precinct or ward at the time of said election; and that I have not received or offered, do not expect to receive, have not paid, offered or promised to pay, contributed, offered or promised to contribute to another, to be paid or used, any money or other valuable thing as a compensation or reward for the giving or withholding of a vote at this election, and have not made any promise to influence the giving or withholding of any such vote; and that I have not been convicted of bribery or any infamous crime, or, if so convicted, that I have been pardoned or restored to all the rights of a citizen, without restriction as to the rights of suffrage.

.....

Voter must sign here, and oath must be administered and attested.

"Subscribed and sworn to before me this ..... day of .....

.....

Official Title."

Such oath shall constitute prima facie evidence that the voter is qualified to vote, unless the statements contained in such oath indicate the contrary.

(b) The secretary of state shall also cause to be prepared and printed an appropriate number of copies of in-

structions for absent voters. The secretary of state shall also cause to be prepared and printed an appropriate number of envelopes for the use of voters in returning official ballots and envelopes to the secretary of state.

Section 7. *Transmission of Official Absentee Voters Ballots, Booklets, Envelopes and Instruction.* The secretary of state shall transmit to every absent voter, whose name is furnished to the secretary of state by the local registration official, as soon as practicable after the receipt thereof, an official absentee voter ballot, two envelopes, voting instructions, a booklet containing instructions and explanations as to casting the vote.

Section 8. *Preparation of Ballot by "Absent Voters".* When the "absent voter" receives such ballot and said two envelopes, he shall go before some civil officer authorized by law to administer an oath and before him make and subscribe to the affidavit on the face of the envelope and shall, in the presence of such officer and no one else, mark the ballot so as to indicate the way he desires to vote, but in such manner as to prevent the officer from knowing how the bollot is marked or how he has voted; he shall then and while in the presence of the officer fold the ballot in such way as to conceal the markings made thereon by him, and after the ballot has been so folded, he will enclose it in the inner envelope, then seal said envelope and then enclose it in the return envelope, then seal and write his name across the face of that envelope, and at once mail it to the Secretary of State of Kentucky; provided that if such "absent voter" is in the military or naval service of the Commonwealth of Kentucky or the United States, or attached to or serving with any branch of the Armed Forces, he may do the things herein required to be done instead of before a civil officer, before any commissioned military or naval officer of the Commonwealth of Kentucky or the United States.

Section 9. *Ballots—Custody—Delivery to Election Officers.* When the Secretary of State receives an "absent voter's" ballot, he shall at once endorse on the envelopes the day and hour he received the same, and all such ballots received by him before the day on which an election is held at which said ballot is to be voted, shall be transmitted by him with the inner envelope unopened to the election officers of the precinct or ward in which said "absent voter" is an elector at the same time the poll books and ballots for such election are delivered to them, and all such ballots received by him on or after such election day, shall be kept by him unopened until thirty days after such election, when the same shall, without being opened, be burned by the clerk in the presence of the judge and sheriff of his county.

Section 10. *Ballots—When and How Voted.* The election officers of any election shall, while the polls are open, examine such "absent voter's" ballots as have been delivered to them. If, upon such examination it is found that the inner envelope is regular and in form and condition provided by this Act, and has not been opened but is properly sealed and the affidavit on the face thereof is regular and in the form provided by this Act, the clerk of such election shall read aloud the name of such "absent voter" and after so doing, he shall then open the envelope and remove the ballot therefrom without unfolding it, and in such way as not to expose the markings thereon or how the "absent voter" has voted. He will then write his name on the back thereof and after so doing, place said ballot in the regular ballot box. The two envelopes shall be preserved by the election officers and treated in the same way as cast ballots, provided that when the name of the "absent voter" is read aloud by the clerk, the vote of such "absent voter" may be challenged and the challenge thereto may be determined and the vote accepted or rejected by the officers of the election as though the voter were present and voting in person. Provided, however, that if

such envelopes and the affidavit on the face of the inner envelope are regular, and substantially comply with the provisions of this Act, they shall be considered as showing that the "absent voter" is prima facie entitled to vote, provided that if the vote of an "absent voter" is rejected, the clerk shall write on the ballot the word "rejected".

Section 11. *Election Returns.* The officers of the election shall, in their election returns state the number of ballots sent to them by the Secretary of State absent voters, the number of such ballots voted and the number thereof rejected.

Section 12. *Commissioned Officers Empowered to Administer Oaths and Affirmation.* All commissioned military or naval officers of the Commonwealth of Kentucky or the United States are hereby authorized and empowered to administer oaths and affirmations for the purposes specified in this Act; and to every such oath or affirmation administered by them, they shall subscribe their names and their official designations.

Section 13. *False Registration Application—Affidavit—Penalty.* Any person who willfully and knowingly makes a false application for the purpose of registering under the provisions of this Act, or a false affidavit for the purpose of voting under the provisions thereof, when the same is either sworn to or affirmed by him, shall be guilty of a felony, and upon conviction, shall be confined in the penitentiary not less than one nor more than five years.

Section 14. *Failure to Comply with Official Duties—Penalty.* Any registration official or any election officer who shall willfully refuse or neglect to perform and do any of the duties required by him by this Act, or who shall in any manner willfully violate or abuse any trust or duty imposed on him by this Act, shall be guilty of a misdemeanor, and upon con-

viction, shall be fined not less than one hundred dollars nor more than one thousand dollars.

Section 15. *Unlawful Interference with Right of Voter —Penalty.* Any person who shall by threats, bribery, corrupt or arbitrary measure, offer or payment of reward, threat or infliction of punishment, interfere with any qualified voter or elector, in the free exercise of his right to register or vote under the provisions of this Act, shall be guilty of a misdemeanor and upon conviction, be fined not less than one hundred dollars nor more than one thousand dollars.

Section 16. Jurisdiction—Prosecution. Jurisdiction of any prosecution for a violation of any provision of this Act, wherever the violation occurred, whether within or without this State, is hereby vested in the circuit court of the county of the voter's residence.

Section 17. If any section or any provision of this Act shall be held unconstitutional or invalid, for any reason, it shall not affect the validity of the Act, as a whole, or any other section or provision thereof.

Section 18. This Act shall be liberally construed.

Section 19. All law or parts of laws in conflict with the provisions of this Act, are hereby repealed.

Section 20. An emergency is hereby declared to exist and this Act shall become effective from its passage and approval by the Governor.

S. B. 98. AN ACT amending and reenacting Section 202.020 of the Kentucky Revised Statutes, relating to lunacy inquests held by county courts.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 202.020 of the Kentucky Revised Statutes is amended to read as follows:

The Circuit Courts shall have exclusive jurisdiction of all inquests concerning the condition of the mind or mental faculty of persons, except that when no circuit court is in session in the county, inquests of insane persons may be held by a circuit judge or by the county court. But in no case shall an inquest upon an idiot or a person convicted of crime and confined in the penitentiary or reformatory, be held except in circuit court, and if the inquest is upon a convict it shall be held only at a regular term of the circuit court. When the inquest is held by the county court a fee of $3.00 shall be allowed the court for holding said inquest and this fee shall be paid by the county in which the commitment is made, upon a certified copy of an order of allowance made by the court holding the inquest.

S. B. 109. An Act relating to the inspection of nurseries and nursery stock.

Said bill is as follows, viz.:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Subsection (2) of section 249.060 of the Kentucky Revised Statutes is amended to read as follows:

(2) Every nonresident nursery and every agent, dealer or seller of trees, plants and parts of plants, representing nonresident nurseries or dealers shall annually file credentials with the State Entomologist. These credentials shall include the name of nurseries, nurseryman or other persons repre-

sented. If these credentials are satisfactory to the State Entomologist, the director and the commissioner, the State Entomologist shall, upon payment of a fee of five dollars issue the license, except that no fee shall be required of a nonresident nursery or an agent representing a nonresident nursery.

§ 2. There is appropriated to the University of Kentucky, for Nursery Inspection, for each of the fiscal years 1944-1945 and 1945-1946, the sum of three thousand dollars, which shall be in addition to any appropriation made by House Bill No. 35 of the present General Assembly.

S. B. 111. AN ACT to amend Section 92.285 of the Kentucky Revised Statutes, relating to Taxation of Insurance Companies.

Said bill is as follows, viz.:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 92.285 of the Kentucky Revised Statutes is amended to read as follows:

(1) The legislative body of each city which is authorized to impose and collect license fees or taxes upon insurance companies for the privilege of engaging in the business of insurance shall file with the Director of the Division of Insurance a copy of all ordinances and amendments thereto which impose any such license fee or tax.

(2) Any license fee or tax imposed by such a city upon any fire insurance company shall be based upon a percentage of the premiums received by the company within the preceding calendar year, for insurance on property located within the corporate limits of the city, less all premiums returned

to policyholders. A fire insurance company entering a city during a license year shall at the end thereof promptly pay to such city the full additional tax due on such percentage basis.

(3) Any license fee or tax imposed by such a city upon a life insurance company may be based upon premiums received, and if so based shall be applied to premiums from new policies written within the preceding calendar year upon the lives of persons residing within the corporate limits of such city.

(4) Any license fee or tax imposed by such a city upon any insurance company other than those specified in subsections (2) and (3) shall be based upon a percentage of the premiums received by such company within the preceding calendar year on risks located within the corporate limits of the city on those classes of business which such company is authorized to transact, less all premiums returned to policyholders, provided, however, that any license fee or tax imposed upon premium receipts on a percentage basis shall not include premiums received for insuring employers against liability for personal injuries to their employees, or death caused thereby, under the provisions of the Workmen's Compensation Act.

(5) The license fees or taxes provided for by subsections (2), (3) and (4) of this section shall be due at the beginning of the tax year. The city may collect a fee of five dollars from any company whose fee or tax on the percentage of premium basis is less than five dollars.

S. B. 119. AN ACT to amend Sections 122.080 and 122.090, Ky. Rev. Stats., relating to contests of elections.

Said bill as is as follows, viz.:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

Sections 122.080 and 122.090, Ky. Rev. Stats., are hereby amended to read as follows:

122.080 (1596a-12). Procedure in contest of election under KRS 122.070; trial; judgment. A contest instituted under KRS 122.070 shall proceed as equity actions. Upon return of the summons properly executed to the office of the Circuit Clerk, he shall immediately docket the case and notify the presiding judge of the court that the contest has been filed. The judge shall proceed to a trial of the cause without delay. In courts having more than one judge, the judge who shall try the case shall be determined by lot. The court may be convened at any time, irrespective of the regular term, for the purpose of trying the case or any proceeding therein and shall complete the same as soon as practicable. The action shall have precedence over all other cases.

The evidence in chief for the contestant shall be completed within 30 days after service of summons; the evidence for the contestee shall be completed within 25 days after filing of answer, and evidence for contestant in rebuttal shall be completed within 7 days after the contestee has concluded; provided that for cause the court may grant a reasonable extension of time to either party.

All ballots, stub books and other papers concerning which there is any ground for contest may be removed to the court in which the action is pending.

If it appears from an inspection of the whole record that there has been such fraud, intimidation, bribery or violence in the conduct of the election that neither contestant nor contestee can be judged to have been fairly elected, the circuit

judge, or the Court of Appeals, on appeal, may adjudge that there has been no election. In that event the office shall be deemed vacant, with the same legal effect as if the person elected had refused to qualify. If one of the parties is adjudged by the court to be elected to the office, he shall, on production of a copy of the final judgment, be permitted to qualify or be commissioned.

122.090 (1596a-12) *Appeal to Court of Appeals from judgment in contest under KRS 122.070; costs.* Either party may appeal to the Court of Appeals from a judgment of the circuit court in a contest instituted under KRS 122.070, by giving bond before the clerk of the circuit court, with good surety, conditioned for the payment of all costs and damages the other party may sustain by reason of the appeal, and by filing the record in the office of the Clerk of the Court of Appeals within thirty days after final judgment in the circuit court. The case shall be heard and determined in the Court of Appeals as speedily as possible, and shall have precedence over all other cases.

The Court in its discretion may issue its mandate forthwith after rendering its decision, but it shall be without prejudice to the right of the losing party to file a petition for rehearing or the power of the Court to recall the mandate should it be sustained. Proceedings in the trial court upon a return of the case shall be as prescribed by Section 761 of the Civil Code of Practice except that if the judgment be reversed and the case remanded for trial or further action, the proceedings shall continue in like manner as when originally filed beginning ten days after the filing of the mandate with notice to the adverse party or his attorney.

The unsuccessful party shall pay all costs in both courts.

S. B. 122. An Act relating to drainage districts, amending KRS 267.390.

Said bill is as follows, viz.:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

Section 267.390 of the Kentucky Revised Statutes is amended to read as follows:

(1) Except as otherwise provided in this chapter, all improvements made under this chapter, as well as all public ditches or drains established or constructed under preexisting laws, shall be under the control and supervision of the board having jurisdiction of the proceedings for the establishment and construction thereof. The board shall keep all such improvements open, free from obstruction and in good repair. For that purpose the board may employ men and teams, and lease, rent, hire or purchase machinery.

(2) For the purpose of providing funds to pay the compensation of the employes of the board, outside of that portion to be paid out of the original assessment on any district, and for the purpose of paying the expense of repairing, keeping open and looking after the various improvements under the charge of the board, the land in each district established under this chapter, as well as the land assessed for each public ditch or system of drainage established under preexisting laws, shall be assessed in proportion to the original assessment made against the land for the original improvement, except that where a district has been established diverting the course of water, the board may, in order to relieve land taxed and from which water has been diverted, use funds of the district in maintaining the original watercourse.

(3) (a) Except as provided in pragraph (b) of this subsection, no assessment in any one year for the purposes prescribed in subsection (2) of this section shall exceed ten

percent of the original assessment against the land, and no more than one assessment shall be made in any one year.

(b) In counties having seventy-five or more separate drainage districts, when a petition signed by a majority of the land owners in any drainage district is filed with and approved by the drainage commissioner, the latter may levy a maintenance assessment not exceeding 30% of the original assessment against the land. The number of assessments which may be levied shall be limited as follows: Where the assessment is 10% but not over 15%, no more than one assessment may be levied during any eighteen month period; where the assessment is 16% but not over 20% no more than one assessment may be levied during any two year period; where the assessment is 21% but not over 25% no more than one assessment may be levied during any two and one-half year period; and where the assessment is 30% but not less than 26% no more than one assessment may be levied during any three year period.

(c) No assessment shall be made until the board has prepared an assessment roll, in duplicate, stating the name of the owners of the land to be affected, and the amount proposed to be assessed against each tract of land. Both the assessment roll and the duplicate shall be signed by the president and secretary of the board. The original shall be kept on file in the office of the board and the duplicate shall be filed with the collector of the assessment. These additional assessments shall have the same effect as original assessments and be collected in the same manner. They shall be kept separate and deposited with the treasurer, who shall keep the accounts for each district separate. Each warrant drawn shall specify out of which account it shall be paid.

(4) The board may compromise and settle, upon such terms and conditions as it deems proper, any maintenance

assessment made, levied or assessed prior to February 17, 1936, and may do everything necessary to release and discharge any claim, demand or lien upon land established, made or claimed prior to February 17, 1936, under or by reason of any such maintenance assessment.

S. B. 130. AN ACT to amend and re-enact section 26.570, Kentucky Revised Statutes, 1942 Edition, relating to clerk of police court in cities of the second class.

Said bill is as follows, viz.:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 26.570 of Kentucky Revised Statutes, 1942 Edition, be amended and re-enacted, so that said section, when so amended and re-enacted, shall read as follows, to-wit:

"The police judge in cities of the second class may appoint a clerk of his court, who shall receive a salary fixed by ordinance at not less than six hundred dollars nor more than eighteen hundred dollars per annum.

"Upon appointment the clerk shall be eligible for classification under the City Civil Service law as provided in Chapter 90 of the Kentucky Revised Statutes, 1942 Edition, as are other city employees."

S. B. 133. An Act relating to the compensation of county treasurers.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 68.040 of the Kentucky Revised Statutes is amended to read as follows:

In counties containing a city of the first or second class the salary of the county treasurer shall be such amount as is fixed by the fiscal court; in counties containing a city of the third class the salary of the county treasurer shall be fixed by the fiscal court at not more than $2,400 per annum; in all other counties the salary of the county treasurer shall be fixed by the fiscal court at not more than $2,000 per annum. The salary in each county shall be paid out of the county levy in equal monthly installments.

S. B. 139. An Act requiring the Secretary of State to execute bond.

Said bill is as follows, viz.:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

The Secretary of State shall execute bond, with incorporated surety authorized to do a surety business in Kentucky, in the penal sum of ten thousand dollars. The bond shall be filed in the office of the Governor.

S. B. 141. An Act relating to inheritance taxes.

Said bill is as follows, viz.:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

Section 140.080 of the Kentucky Revised Statutes is amended to read as follows:

(1) There shall be free from any tax under the preced-

ing provisions of this chapter the following inheritable interests:

(a) Wife or child by blood, $25,000.

(b) All other persons of Class A of KRS 140.070, $15,000.

(c) All persons of Class B of KRS 140.070, $5,000.

(d) To all persons of Class C, $500 of each inheritable interest shall be free from tax; provided that if the transfer exceeds $1,000 the exemption shall be decreased by subtracting from $500 the amount by which the distributable share exceeds $1,000 so that a distributable share greater than $1,500 shall receive no exemption.

(2) If the decedent was not a resident of this state the exemption shall be the same proportion of the allowable exemption in the case of residents that the property taxable by this state bears to the whole property transferred by the decedent.

(3) In calculating the tax on each share, the distributable share subject to tax shall be such amount as exceeds the amount of the exemption allowed by this section, the amount of the exemption being deducted before applying the rates prescribed by KRS 140.070.

S. B. 143. An Act relating to cooperative marketing associations.

Said bill is as follows, viz.:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

Section 272.130 of the Kentucky Revised Statutes is amended to read as follows:

(1) The articles of incorporation of each association shall state:

(a) The name of the association;

(b) The purpose for which it is formed;

(c) The place where its principal business will be transacted;

(d) The term for which it is to exist, not exceeding fifty years;

(e) The number of directors, their term of office, and the names and addresses of the incorporating directors;

(f) If organized without capital stock, whether the property rights and interest of each member are equal or unequal; and if unequal, the general rules applicable to all members by which the property rights and interests of each member shall be determined; and provision for the admission of new members who may all share in the property of the association with the old members; and

(g) If organized with capital stock, the maximum amount of stock and the number of shares into which it is divided and the par value; and if the stock is divided into preferred and common stock, a statement of the number of shares of stock to which preference is granted and the number to which no preference is granted and the nature and definite extent of the preference and privileges granted to each. No specific amount of the capital stock authorized shall be required to be subscribed before the corporation shall be permitted to transact business with others than its stockholders; the board of directors of the corporation may determine the amount of capital stock to be issued as the business of the corporation may justify or demand, from time to time, within the amount of the total authorization.

(2) The articles shall be subscribed by the incorporators and acknowledged by one of them before an officer authorized by this state to take acknowledgements of deeds. A certified copy of the articles of incorporation shall, in addition to being filed with the Secretary of State, be filed with the Dean of the College of Agriculture of the University of Kentucky.

S. Res. 34. Resolution relating to the establishment of boundary lines between the Counties of Barren, Hart and Edmonson.

Said resolution is as follows, viz.:

WHEREAS, the boundary lines between the counties of Barren, Hart and Edmonson are not well established and the true location of such boundary lines is in dispute, NOW, THEREFORE,

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. That there is created a commission for the purpose of making an adequate and suitable survey of the boundary lines between the counties of Barren, Hart and Edmonson, and determining the true location and course of such boundary lines.

Sec. 2. That the commission shall consist of two persons appointed by the Speaker of the House of Representatives, two persons appointed by the Lieutenant Governor, and the county attorneys of Barren, Hart and Edmonson Counties. The persons appointed by the Speaker of the House of Representatives and the Lieutenant Governor shall be persons who are not residents of the counties in question. One of the members appointed by the Speaker of the House of Representatives shall be designated by him as chairman

of the commission. The members of the commission shall serve without compensation but shall be reimbursed for necessary traveling expenses.

Sec. 3. The commission hereby established shall cause an adequate and suitable survey to be made of the boundaries between the counties of Barren, Hart and Edmonson, and may employ a surveyor or surveyors for the purpose. Upon the basis of such survey and upon such other information as may be available, the commission shall determine and shall report to the 1946 General Assembly what it finds to be the true boundary lines.

Sec. 4. There is hereby appropriated to the commission, out of the General Fund, for the purposes set forth in this resolution, the sum of two thousand, five hundred dollars.

S. Res. 21. Resolution authorizing the personal representative of Les Ward, Deceased, to sue the Commonwealth.

Said resolution is as follows, viz.:

WHEREAS, on May 9, 1942, and for a number of years prior thereto the State Highway Patrol of the Commonwealth of Kentucky was engaged, in conformity to Kentucky Statutes, in patrolling the highways of the Commonwealth and enforcing the motor vehicle laws, and

WHEREAS, the State Highway Patrol was greatly under-staffed due to many of its personnel having entered the various branches of the armed forces or having taken positions in private industry and capable replacements being unavailable, and

WHEREAS, from time to time, in case of emergency members of the Patrol, in order to effect arrests and to

properly enforce the laws, have found it necessary to deputize or call upon private citizens for aid, and

WHEREAS, Walter Griffey, a former inmate of the Kentucky State Reformatory who had served a long term on a charge of manslaughter or murder, on May 9, 1942, in Rowan County, Kentucky, was speeding and racing his automobile over the highways, in violation of the Kentucky Statutes, and ran into an automobile which was parked, and

WHEREAS, said offense was observed by a member of the State Highway Patrol, who sought to arrest him, but notwithstanding the order and command of the Highway Patrolman to halt, the said Walter Griffey undertook to escape from the scene of the accident and crime by racing his car eastwardly out of Morehead into Rowan County, Kentucky, and

WHEREAS, the State Highway Patrolman deemed it necessary that Griffey be pursued and that he be arrested, and realizing that assistance was necessary in pursuing Griffey and making said arrest, he requested Les Ward, a citizen and resident of Morehead, Kentucky, to act as his deputy and to aid him in overtaking and arresting Griffey, and

WHEREAS, Ward agreed to aid the State Highway Patrolman and to act as his deputy and entered the State Highway Patrol car and for more than three miles they pursued Griffey, overtaking his car at a point on Highway No. 32 in Rowan County near the State Highway Garage about three miles from the city limits of Morehead, Kentucky, and

WHEREAS, as Les Ward got out of the State Highway Patrol car and ordered Griffey to leave his car and advised him that he was under arrest, and simultaneously Griffey drew a gun and shot Ward, immediately killing him, and at the same time turned his gun upon the State Highway Patrol-

man shooting him twice through the left arm and once through the left chest, barely missing the heart, and the State Highway Patrolman then fired several shots into the body of Griffey who died shortly thereafter, and

WHEREAS, Les Ward at the time of his death was forty-six years of age and in good physical condition, earning in excess of $100.00 per month, and left surviving him his widow, Mrs. Roah Ward, and eight children, all of whom are very young and the oldest under the age of sixteen years, and

WHEREAS, Mrs. Ward during the years of her marriage to the deceased, Les Ward, devoted all of her time and activities to managing their household and rearing their children, and consequently is untrained in any business pursuit and is incapable of engaging in any type of work that will provide sufficient income for the support of her eight children and herself, and

WHEREAS, Les Ward was unable to accumulate any savings or estate during his lifetime and upon his death left nothing other than sufficient money with which to pay his funeral expenses, and

WHEREAS, a valuable public service was being rendered by Les Ward in aiding and assisting the Highway Patrolman in the apprehension of a fugitive from justice, and but for such public service Les Ward would not have met his death in the manner aforesaid and could have continued rearing and supporting his children and providing adequate maintenance for his wife and none of them would now be destitute, and

WHEREAS, it is deemed necessary that all citizens who are called upon by State officials to render a public service may know that in case of injury or death their families will

be provided for and that the moral obligations of the State will be recognized, and

WHEREAS, great damage has resulted to this family as a result of the death of their father and husband in the rendition of a valuable public service, now, therefore,

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That the personal representative of Les Ward be and hereby is authorized and permitted to sue the Commonwealth of Kentucky in the Rowan Circuit Court for such damages as may have been suffered and sustained by said estate by reason of the injury and death of Les Ward, and upon the trial of said cause, if it should be proven that Les Ward met his death while endeavoring to arrest a fugitive or a law violator, then the moral obligation of the Commonwealth of Kentucky to indemnify his estate is hereby expressly recognized, acknowledged and validated, and the Jury shall award such damages as said estate has suffered by reason of such death, occasioned by the rendition of a public service. The Attorney General is hereby authorized to compromise or settle this claim and any settlement that may be so effected or any judgment that may be recovered by the said personal representative shall be paid by the Department of Finance by a warrant drawn on the State Treasury and paid out of the General Fund. Either party to said suit may appeal from any judgment which may be entered therein as in any other civil case.

No grant of authority conferred by this resolution shall give to the plaintiff in any suit filed against the Commonwealth of Kentucky or the Department of Highways any special right and shall not be construed as a waiver of any defense either upon a legal or moral ground that either the

Commonwealth of Kentucky or the Department of Highways may have.

Ordered that said bills and resolutions be printed and referred

To the Committee on Rules.

And that they had passed bills which originated in this House entitled:

H. B. 34. An Act relating to cemeteries.

H. B. 57. An Act to limit the number of hours the firemen of cities of the second class shall be required to be on duty.

H. B. 74. An Act relating to licenses for operators of motor vehicles.

H. B. 175. An Act relating to civil service for employees of cities.

H. B. 235. An Act pertaining to redevelopment corporations in cities of the first class.

H. B. 279. An Act providing for the payment of funeral or burial benefits in money; etc.

Ordered that said bills be delivered to the Enrolling Clerk of this House.

And that they had passed a bill which originated in this House, entitled:

H. B. 24. An Act relating to funds allocated for public roads and bridges.

With an amendment thereto as proposed and adopted by the Senate.

(For bill see House Journal of February 1)

Said amendment as proposed and adopted by the Senate to said bill, is as follows, viz.:

Amend House Bill No. 24 by striking all of the words and figures after the period at the end of line 21, on page 2, of the printed bill and inserting in lieu thereof the following words and figures.

"(2) If 30 days after the beginning of the fiscal year of the Department of Highways in which the funds were apportioned, the department and the fiscal court of any county have failed to agree on a plan, the funds so apportioned to such county, less the funds, if any, expended or obligated for the maintenance of theretofore constructed county roads and bridges shall be expended by the Department of Highways for the construction or reconstruction of the county roads and bridges according to the priority schedule designated by the fiscal court, but the amount of money to be expended on each of the roads or bridges so designated and the type of roads or bridges and the material used shall be in accordance with the specifications of the Department of Highways.

"(3) Any funds apportioned to any county, less the funds, if any, expended or obligated for the construction, reconstruction or maintenance of county roads or bridges in any county shall be held for the use and benefit of said county, and shall not be deducted from the apportionment to that county in any subsequent year, and shall not be expended in any other county or used for any other purpose."

Said amendment was then concurred in.

Said bill was then passed, as amended.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	Clyde S. Howard	Edw. P. Prichard
Henry Arrowood	Jerry F. Howell	James E. Quill
F. H. Bassett, Jr.	J. J. Huff	C. R. Reeves
Isaac Blevins	W. N. Hughes	Wade H. Riley
Douglas T. Bolling	Lee Johnson	H. G. Royalty
J. C. Bradley	Paul S. Jonas	Amos Runyon
Jno. W. Burkhart	Wm. E. Justice	Carl Scheben
Chas. W. Burnley	M. Kavanaugh	F. W. Schuhmann
C. D. Call	G. M. Knuckles	Vernon Seaton
Willis Champion	J. T. Linton	Leon J. Shaikun
Jno. H. Clarke, Jr.	Homer E. Losey	Jno. W. Simmons
A. Roy Copeland	A. L. Love	Faust Y. Simpson
John Henry Cox	Pearl McKinney	George T. Smith
John P. Craig	C. C. May	Robt. J. Spaulding
Fred Creasey	Johnston Miller	E. A. Spencer
Thos. S. Dawson	Harry L. Moore	Arthur Stallard
Adron Doran	J. Lee Moore	Geo. W. Steinford
J. R. Dorman	L. D. Moore	Joe Stewart
T. H. Dyer	W. B. Moser	Thos. M. Swope
Bernie S. Edlin	C. Sid Nabb	C. W. Taylor
Harry W. Ennis	Coy C. Nevitt	Egbert V. Taylor
Dr. J. C. Gabbard	Chester Peterson	H. Thieman, Jr.
Franklin Goins	Albert W. Pfeiffer	Otis C. Thomas
J. D. Gross	Sylvester Phillips	E. B. Thompson
R. M. Hall	James T. Philpott	John L. Trumbo
Jas. P. Hallahan	J. Gip Prather	S. J. Wagner
Claude Hammons	L. W. Preston	Harry F. Walters
B. C. Holbrook	Kleber F. Price	R. E. West

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Those who voted in the negative were—

Fred Carpenter	H. Clay Kauffman	Taylor Witt

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Mr. Miller moved that the vote by which said bill was passed, as amended, be reconsidered, and that said motion lie on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Enrolling Clerk of this House.

Mr. Shaikun moved that Dickey Walsh who has been commissioned Mascot for the Active Militia, be appointed an Honorary Page of this House.

Said motion was agreed to.

Mr. Hammons moved that George M. Knuckles, grandson of The Honorable G. M. Knuckles, be appointed an Honorary Page of this House.

Said motion was agreed to.

Mr. Swope of the Committee on Conference heretofore named by the Speaker to confer with a like Committee on the part of the Senate and to make recommendations on bills proposing amendments to the Constitution of Kentucky reported the following bills, viz.:

S. B. 26. An Act to amend Sec. 147 of the Constitution of Kentucky.

S. B. 37. An Act to provide for an amendment to Section 230 of the Constitution of Kentucky.

With the expression of opinion that said bills ought to pass.

Said Conference Report was then adopted and approved by the House.

Ordered that S. B. 37 be placed in the Orders of the Day.

Ordered that S. B. 26 be read at length the first time.

Said bill was then read at length the first time and ordered to be placed on the Calendar.

At the instance of the Committee on Rules, the House took up for consideration from the Calendar, bills and resolutions of the following titles, viz.:

H. B. 360. An Act providing engineering districts in the Department of Highways.

H. B. 288. An Act relating to boarding homes for children.

H. B. 391. An Act allowing members of county boards of education a per diem.

H. B. 308. An Act relating to motor vehicles.

With a Committee Amendment thereto by way of Substitute therefor.

H. B. 359. An Act to empower and direct municipalities to promulgate, administer and enforce airport zoning.

H. B. 309. An Act relating to motor vehicles.

With a Committee amendment thereto by way of Substitute therefor.

H. B. 290. An Act to impose a tax on natural gas.

S. B. 47. An Act providing for standard elementary teacher's certificate.

H. Res. 41. Resolution authorizing Chester Logan to sue the Commonwealth.

H. Res. 63. Resolution authorizing Leonard Preston and others to sue the Commonwealth.

S. B. 91. An Act to amend chargers of cities of second, third, fourth, fifth and sixth class.

H. B. 270. An Act relating to salaries of the members of the General Assembly.

H. B. 387. An Act to provide for payment of salaries to state employees semi-monthly.

H. B. 264. An Act fixing commissions for county court clerks.

S. Res. 20. Resolution providing for payment of claim to Lee B. Kesler.

S. Res. 22. Resolution authorizing Bud Burkhart to sue the Commonwealth.

H. Res. 61. Resolution authorizing Jerry Hall to sue the Commonwealth.

H. Res. 62. Resolution providing for payment of a claim to D. A. Woodburn.

H. Res. 67. Resolution authorizing payment of costs and attorney's fees in Contest Case of Spillman vs. Phillips.

H. Res. 68. Resolution authorizing George Hunt and others to sue the Commonwealth.

H. Res. 69. A Resolution providing payment of a claim to J. L. Rhem, Jr.

H. Res. 70. Resolution authorizing I. L. Storey to sue the Commonwealth.

Ordered that said bills and resolutions be read the second time.

The Constitutional provision as to the second reading of said bills and resolutions at length having been dispensed with, said bills and resolutions were read the second time by their titles only.

Ordered that said bills and resolutions be placed in the Orders of the Day.

At the instance of the Committee on Rules,

The House took up for consideration from the Orders of the Day, a resolution entitled:

H. B. Res. 59. Resolution authorizing certain persons to sue the Commonwealth.

Said bill is as follows, viz.:

A JOINT RESOLUTION authorizing suits against the Commonwealth of Kentucky.

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

§ 1. The following named persons are authorized to sue the Commonwealth of Kentucky, in the circuit court of the county, and in an amount not exceeding the amount, and for the cause, each has hereinafter set opposite their names:

Name—Address	*Circuit Court*	*Maximum Amount*	*Cause*
Thomas B. Lowman, Lexington, Ky.	Boyle	$ 1,216.27	Negligence of State Employes.

Name—Address	*Circuit Court*	*Maximum Amount*	*Cause*
Zack W. Lee, Lexington, Ky.	Boyle	1,000.00	Negligence of State Employes.
Hay Stewart, or Committee, Corbin, Ky.	Whitley	10,000.00	Injury to health by National Guard Service.
D. G. Young, Beaver Dam, Ky.	Ohio County	12,000.00	Negligence of Dept. of Highways and Employes.
Iva Fannin, by Estill Fannin, father and friend, Elliott County, Ky.	Elliott	5,000.00	Negligence of State Employe.
A. H. Bowman, Lee County, Ky.	Lee or Owsley	5,000.00	Negligence of Dept. of Highways
Chester Logan, next friend or guardian of George Jean Logan, infant, Blackey, Ky.	Letcher	1,500.00	Negligence of State Employe.
Samuel Peters, ...	Lee or Owsley	1,000.00	Negligence of State Employe.
John Campbell, Lerose, Ky.	Owsley	2,500.00	Negligence of Dept. of Highways and Employes.
E. S. Hicks, Fulton, Ky.	Fulton	500.00	Negligence of Dept. of Highways and Employes.
E. Q. McGlone Jackson, Ky.	Breathitt	60.00	Negligence of State Employe.
Charles Beard, Larue County, Ky.	Larue	1,750.00	Negligence of State Employe.

Name—Address	*Circuit Court*	*Maximum Amount*	*Cause*
Maude Turner Herald, Combs, Ky.	Perry	15,000.00	Negligence of State Employes.
Edith Long, and Ernest Long, Warren County, Ky.	Warren	10,000.00	Negligence of State Employe.
Mrs. Elizabeth McDonald, Garrison, Ky.	Lewis	10,000.00	Negligence of Dept. of Highways and Employes.
Mrs. Stella Eaves, Martwick, Ky.	Muhlenberg	500.00	Negligence of State Employe.
Grant Judd, Augustus Mainus, and William Flannery, by their personal representatives, Lee County, Ky.	Lee, or any court having jurisdiction.	15,000.00	Negligence of Dept. of Highways and Employes.
Charlie Duff, Perry County, Ky.	Perry	500.00	Negligence of State Employe.
Mrs. Laura Whittaker, Perry County, Ky.	Perry	500.00	Negligence of State Employe.

§ 2. The Attorney-General of the Commonwealth of Kentucky may investigate the claims against the Commonwealth herein and settle said claims before or after suit is filed, if he deems it advisable. Any amount recovered in said suits or by settlement with the Attorney-General shall be paid out of the General Fund upon warrant by the Commissioner of Finance upon the State Treasurer.

§ 3. In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kenucky.

§ 4. No statement in this resolution shall be considered by either the Court or jury as an admission of negligence upon the part of the Commonwealth and this resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

§ 5. The authority given to sue the Commonwealth is dependent upon showing that the employment was with the Commonwealth and not with the independent contractor.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	Thos. S. Dawson	W. N. Hughes
Henry Arrowood	J. R. Dorman	Lee Johnson
F. H. Bassett, Jr.	T. H. Dyer	Paul S. Jonas
Isaac Blevins	Bernie S. Edlin	Wm. E. Justice
Douglas T. Bolling	Harry W. Ennis	H. Clay Kauffman
J. C. Bradley	Dr. J. C. Gabbard	M. Kavanaugh
Jno. W. Burkhart	Chas. B. Gentry	G. M. Knuckles
Chas. W. Burnley	Franklin Goins	J. T. Linton
C. D. Call	J. D. Gross	Homer E. Losey
Fred Carpenter	R. M. Hall	A. L. Love
Willis Champion	Jas. P. Hallahan	Pearl McKinney
Jno. H. Clarke, Jr.	Claude Hammons	C. C. May
A. Roy Copeland	B. C. Holbrook	Johnston Miller
John Henry Cox	Clyde S. Howard	Harry L. Moore
John P. Craig	Jerry F. Howell	J. Lee Moore
Fred Creasey	J. J. Huff	L. D. Moore

W. B. Moser	H. G. Royalty	Geo. W. Steinford
C. Sid Nabb	Amos Runyon	Thos. M. Swope
Jno. C. Newcomb	Carl Scheben	C. W. Taylor
Chester Peterson	F. W. Schuhmann	Egbert V. Taylor
Albert W. Pfeiffer	Vernon Seaton	H. Thieman, Jr.
Sylvester Phillips	Leon J. Shaikun	Otis C. Thomas
J. Gip Prather	Jno. W. Simmons	E. B. Thompson
Kleber F. Price	Faust Y. Simpson	John L. Trumbo
Edw. P. Prichard	George T. Smith	S. J. Wagner
James E. Quill	Robt. J. Spaulding	Harry F. Walters
C. R. Reeves	E. A. Spencer	R. E. West
Wade H. Riley	Arthur Stallard	Taylor Witt

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Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a resolution entitled:

H. B. Res. 60. Resolution authorizing the payment of claims against the Commonwealth.

Said bill is as follows, viz.:

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

It appearing that the Commonwealth is indebted to the hereinafter named persons, in the amount set forth opposite their names, and for the reason there indicated, and it further appearing that said claims are just claims against the Commonwealth, the Commissioner of Finance is hereby authorized

and directed to pay said claims when presented, and the Statute of Limitations as now provided by law shall not be a bar to their payment, and the amount necessary to pay said claims is hereby appropriated out of the General Fund for that purpose.

Name—Address	*Amount*	*Reason*
Peoples Bank, Tompkinsville, Ky.	$ 26.00	Payment of witness claims.
Wm. W. Moore, County Clerk, Louisa, Ky.	22.31	Payment of supplemental fees.
H. A. McElroy Co., Inc., Bowling Green, Ky.	1,005.00	Refund of illegally collected tax.
Mrs. Helen P. Rice, Greenville, Ky.	80.82	Refund of erroneously paid tax.
C. D. Williams, Frenchburg, Ky.	75.80	Payment of witness claims.
Eugene Linville, Circuit Clerk, Robertson County, Ky.	72.20	Payment for services under jury law and in felony cases.
Cundiff Bros., Somerset, Ky.	18.00	Payment of witness claims.
Maude Bailey, Lost Creek, Ky.	447.96	Payment of witness claims.
General Fugate, Hindman, Ky.	78.40	Payment of claim for returning fugitive from justice.

Name—Address	*Amount*	*Reason*
Orman Stegall, Circuit Clerk, Smithland, Ky.	378.00	Payment of claim for jury fees.
Harry G. Bright, Frankfort, Ky.	135.37	Services to House Alcoholic Control Committees No. 1 and 2.
Ed. P. Prichard, Paris, Ky.	44.65	Expenses incurred as Chairman of House Alcoholic Control Committee No. 1.
Effie Hays, McKee, Ky.	6.00	Payment of witness claims.
Ruth A. King, Cynthiana, Ky.	49.00	Payment of unpaid balance of salary as state employe.
R. D. Evans, County Clerk, Williamsburg, Ky.	116.52	Payment of supplemental fees.
Jessamine County, Nicholasville, Ky.	340.50	Refund of payment on behalf of Commonwealth.
Charles H. White, Manchester, Ky.	1,137.50	Services while sheriff for highway patrol.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	Claude Hammons	C. R. Reeves
Henry Arrowood	B. C. Holbrook	L. Allen Rhoads
F. H. Bassett, Jr.	Clyde S. Howard	Wade H. Riley
Douglas T. Bolling	Jerry F. Howell	H. G. Royalty
J. C. Bradley	W. N. Hughes	Amos Runyon
Jno. W. Burkhart	Lee Johnson	Carl Scheben
Chas. W. Burnley	Paul S. Jonas	F. W. Schuhmann
C. D. Call	Wm. E. Justice	Vernon Seaton
Fred Carpenter	M. Kavanaugh	Jno. W. Simmons
Willis Champion	J. T. Linton	Faust Y. Simpson
Jno. H. Clarke, Jr.	Homer E. Losey	George T. Smith
A. Roy Copeland	A. L. Love	Robt. J. Spaulding
John Henry Cox	Pearl McKinney	E. A. Spencer
John P. Craig	C. C. May	Arthur Stallard
Fred Creasey	Johnston Miller	Geo. W. Steinford
Thos. S. Dawson	Harry L. Moore	Joe Stewart
Adron Doran	L. D. Moore	Thos. M. Swope
J. R. Dorman	W. B. Moser	C. W. Taylor
T. H. Dyer	C. Sid Nabb	Egbert V. Taylor
Bernie S. Edlin	Chester Peterson	H. Thieman, Jr.
Harry W. Ennis	Albert W. Pfeiffer	Otis C. Thomas
Dr. J. C. Gabbard	Sylvester Phillips	E. B. Thompson
Chas. B. Gentry	J. Gip Prather	John L. Trumbo
Franklin Goins	Kleber F. Price	S. J. Wagner
J. D. Gross	Edw. P. Prichard	R. E. West
R. M. Hall	James E. Quill	Taylor Witt

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There voted in the negative—

H. Clay Kauffman —1

Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

To the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 84. AN ACT consenting to the establishment of an independent school district on the Fort Knox Military Reservation and for the issuance of Motor Vehicle License Plates and Operators' Licenses to residents of said reservation in consideration of the State of Kentucky being released from all responsibility for the establishment and maintenance of said school district.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That, for the purpose of this Act only, the Fort Knox Military Reservation, by and with the consent of the War Department of the United States, be and the same is hereby set apart, established and created a separate school district, to be designated and known as the "Fort Knox Independent School District."

Section 2. That the Commanding Officer of the Fort Knox Military Reservation, is hereby authorized and empowered to establish, maintain and conduct, a grade and high school for the said Fort Knox Military Reservation.

Section 3. That whereas, with the advent of war in 1941, the population of Fort Knox increased until there are at the time of this enactment, more than five hundred children within grade and high school age living on the Fort Knox Mili-

tary Reservation, and whereas there is no State or Federal law providing for the education of said children, and whereas there is no adjacent school district within practical reach of said children which has adequate housing or instructional facilities for the education of said children, and whereas construction of further facilities for such purpose, in view of construction priorities, would in current time be impossible, and with view to normal times, impracticable and uneconomical, and whereas to meet the emergency and to the relief of the said school districts adjacent to said Reservation, by agreement with the proper officials of the State of Kentucky, for the purpose of obtaining revenue to establish, maintain and conduct a grade and high school on said Reservation, the Commanding Officer of said Fort Knox Military Reservation has been authorized to issue to residents of said Military Reservation an operator's license for privately owned motor vehicles and to issue to resident owners of privately owned motor vehicles license plates for such vehicles, said license plates containing the number of the plate, the year in which issued, the word "Kentucky" and the words "Fort Knox", said agreement as herein described is hereby ratified and confirmed and the State of Kentucky hereby consents that said agreement shall continue in effect until formally abrogated, and all motor vehicle license plates and all motor vehicle operator's licenses issued by the Commanding Officer of the said Fort Knox Military Reservation pursuant to said agreement, shall be treated and considered as lawful operator's licenses and lawful motor vehicle license plates of the State of Kentucky and shall entitle the holders thereof to the same rights and privileges as those operator's licenses and motor vehicle license plates issued by the various counties of the State of Kentucky.

Section 4. All Acts and parts in conflict with this Act are hereby repealed.

Section 5. An emergency is declared to exist and this Act shall go into effect as soon as same is approved by the Governor.

Mr. Quill offered the following amendment to said bill, viz.:

Amend S. B. 84 in House on page 3, Section 5, lines 1 and 2 by striking all of lines 1 and 2 and inserting in lieu thereof the following:

"Section 5. Whereas, War conditions require that immediate steps be taken to provide adequate school service at the Fort Knox Military Reservation, an emergency is declared to exist and this Act shall take effect from and after its passage and approval by the Governor.

Said amendment was agreed to.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with, said bill was read the third time by its title only and passed, as amended.

The yeas and nays having been taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	Jno. W. Burkhart	A. Roy Copeland
Henry Arrowood	Chas. W. Burnley	John Henry Cox
F. H. Bassett, Jr.	C. D. Call	John P. Craig
Isaac Blevins	Fred Carpenter	Fred Creasey
Douglas T. Bolling	Willis Champion	Thos. S. Dawson
J. C. Bradley	Jno. H. Clarke, Jr.	Adron Doran

J. R. Dorman	A. L. Love	Amos Runyon
T. H. Dyer	Pearl McKinney	Carl Scheben
Bernie S. Edlin	C. C. May	F. W. Schuhmann
Harry W. Ennis	Johnston Miller	Vernon Seaton
Dr. J. C. Gabbard	Harry L. Moore	Leon J. Shaikun
Chas. B. Gentry	J. Lee Moore	Jno. W. Simmons
Franklin Goins	L. D. Moore	Faust Y. Simpson
J. D. Gross	W. B. Moser	George T. Smith
R. M. Hall	C. Sid Nabb	Robt. J. Spaulding
Jas. P. Hallahan	Jno. C. Newcomb	E. A. Spencer
Claude Hammons	Chester Peterson	Arthur Stallard
B. C. Holbrook	Albert W. Pfeiffer	Geo. W. Steinford
Clyde S. Howard	Sylvester Phillips	Joe Stewart
J. J. Huff	James T. Philpott	C. W. Taylor
W. N. Hughes	J. Gip Prather	Egbert V. Taylor
Lee Johnson	L. W. Preston	H. Thieman, Jr.
Paul S. Jonas	Kleber F. Price	Otis C. Thomas
Wm. E. Justice	Edw. P. Prichard	E. B. Thompson
H. Clay Kauffman	James E. Quill	S. J. Wagner
M. Kavanaugh	C. R. Reeves	Harry F. Walters
J. T. Linton	Wade H. Riley	R. E. West
Homer E. Losey	H. G. Royalty	Taylor Witt

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Resolved that the title thereof be as aforesaid.

Mr. Quill moved that the vote by which said bill was passed, as amended, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 97. An Act appropriating money from the General Fund of the Commonwealth of Kentucky for the fiscal

year ending June 30, 1944 supplementing appropriations heretofore made by the General Assembly, for the fiscal year 1942-43.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

There is hereby appropriated out of the General Expenditure Fund of the Commonwealth of Kentucky for the fiscal year beginning July 1, 1943 and ending June 30, 1944, the following sums for the following officers, departments, boards, commissions, institutions and subdivisions of the State Government, to supplement appropriations made by the General Assembly of the Commonwealth at the Regular Session of 1942, to be expended under the provisions of the Reorganization and Budgetary Control Acts of the Commonwealth.

A. DEPARTMENT OF FINANCE

Commissioner of Finance.

There is hereby appropriated to the Commissioner of Finance, for the purpose of compensating the following named persons, firms and corporations for services, materials, supplies and merchandise, the sums set opposite their names:

1. Division of Engineering.

(a) Belknap Hardware Company	$3,643.00
(b) Bass and Company	7,674.46
(c) Truscon Steel Company	2,155.98
(d) Keach Furniture Company	946.37
(e) Firman Equipment Company	582.89
(f) Skinner Brothers, Contractors	3,630.01

(g) Porter Cable Machine Company 1,257.00
(h) Tafel Electric and Supply Company 177.50
(i) Saunier Brothers 860.94
(j) R. F. Johnson Paint and Glass Company 244.92
(k) Louisville Blue Print & Supply Co. 450.22
(l) Texaco Company 105.32
(m) Brock-McVey Company 3,732.32
(n) Frankfort Lumber Company 1,908.60
(o) The Kister Company 3,449.31
(p) Hubbuch Wall & Floor Covering Co. 728.35
(q) McNeill Lumber Company 1,960.00
(r) Jay W. Jones Weather Strip Company 2,403.75
(s) W. F. McMurry 74.00

B. DEPARTMENT OF WELFARE.

There is hereby appropriated to the Commissioner of Welfare for the purpose of compensating the following named persons, firms and corporations for services, materials, supplies and merchandise, the sums set opposite their names:

1. *State Penitentiary.*

(a) J. B. Payne & Sons ..... $ 60.80
(b) Hayes Freight Lines 10.42

2. *Feeble-Minded Institute*

(a) Huber Seed Company 30.00

3. *Division of Public Assistance*

(a) Mrs. Anna Hubbuch Settle 750.00

C. DEPARTMENT OF EDUCATION.

There is hereby appropriated to the Superintendent of Public Instruction, for Morehead State Teachers College for the purpose of compensating the following named persons,

firms and corporations, for services, materials, supplies and merchandise, the following sums set opposite their names:

1. *Morehead State Teachers College*

(a) E. C. O'Rear $1,000.00

(b) Joseph & Joseph, Architects 2,199.64

D. DEPARTMENT OF BUSINESS REGULATIONS.

There is hereby appropriated to the Director of the Department of Business Regulations, for the purpose of compensating the following named persons, firms and corporations, for services, materials, supplies, expenses and merchandise, the sums set opposite their names:

1. *Division of Professional Regulations.*

(a) Miss Honor Murphy $39.45

(b) Sister Agnes Miriam Payne 84.18

WHEREAS, the persons, firms and corporations have in good faith rendered the services, materials, supplies and merchandise and the Commonwealth has received the benefit of said services, materials, supplies and merchandise, an emergency is hereby declared to exist, and this act shall become effective immediately upon its passage and approval by the Governor.

Mr. Quill offered the following amendment to said bill, viz.:

Amend H. B. 97 on page 2, Section A, line 22 by striking the figures $728.35'' and submitting the figures ''$567.08.''

Said amendment was agreed to.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with and the same having been engrossed, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	Jas. P. Hallahan	Albert W. Pfeiffer
Henry Arrowood	Claude Hammons	Sylvester Phillips
F. H. Bassett, Jr.	B. C. Holbrook	J. Gip Prather
Douglas T. Bolling	Clyde S. Howard	Kleber F. Price
J. C. Bradley	Jerry F. Howell	Edw. P. Prichard
Jno. W. Burkhart	J. J. Huff	James E. Quill
Chas. W. Burnley	W. N. Hughes	C. R. Reeves
C. D. Call	Lee Johnson	L. Allen Rhoads
Fred Carpenter	Paul S. Jonas	Wade H. Riley
Willis Champion	Wm. E. Justice	H. G. Royalty
Jno. H. Clarke, Jr.	M. Kavanaugh	Amos Runyon
A. Roy Copeland	G. M. Knuckles	Carl Scheben
John Henry Cox	J. T. Linton	F. W. Schuhmann
John P. Craig	Homer E. Losey	Vernon Seaton
Fred Creasey	Pearl McKinney	Leon J. Shaikun
Thos. S. Dawson	C. C. May	Jno. W. Simmons
Adron Doran	Johnston Miller	Faust Y. Simpson
J. R. Dorman	Harry L. Moore	George T. Smith
T. H. Dyer	J. Lee Moore	Robt. J. Spaulding
Bernie S. Edlin	L. D. Moore	E. A. Spencer
Harry W. Ennis	W. B. Moser	Arthur Stallard
Dr. J. C. Gabbard	C. Sid Nabb	Geo. W. Steinford
J. D. Gross	Jno. C. Newcomb	Joe Stewart
R. M. Hall	Chester Peterson	C. W. Taylor

Egbert V. Taylor	E. B. Thompson	Harry F. Walters
H. Thieman, Jr.	John L. Trumbo	R. E. West
Otis C. Thomas	S. J. Wagner	Taylor Witt

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There voted in the negative—

H. Clay Kauffman —1

Resolved that the title thereof be as aforesaid.

Mr. Quill moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 272. An Act relating to the duties and compensation of the County Tax Commissioners, repealing, amending, and re-enacting subsections 2, 3, 4, and 5 of section 132.590, Ky. Revised Statutes.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. Subsections 2, 3, 4 and 5 of Section 132.590 of Kentucky Revised Statutes are repealed, amended and re-enacted to read as follows:

(2) The compensation of the county tax commissioner shall be computed on the basis of ten cents on the one hundred dollars of the first million dollars and two and one-half cents on each one hundred dollars of the excess over one million

dollars, except in counties where the assessment does not exceed one million dollars, in which case the allowance shall be fifteen cents on the one hundred dollars of the entire property listed.

(3) The county tax commissioner shall receive ten cents for each poll listed which must be paid by the fiscal court upon presentation of a proof of claim.

(4) No county tax commissioner shall receive for his personal services more than five thousand dollars during any year.

(5) In counties in which the assessed value of property exceeds fifteen million dollars, the county tax commissioner shall be allowed by the state as compensation to his deputies the sum of one thousand five hundred dollars for each seven and one-half million dollars of the property assessed in excess of fifteen million dollars, but the total sum allowed to any county tax commissioner as deputy hire shall not exceed seven thousand five hundred dollars in any county except in a county having a city of the first class, which shall be governed by KRS 132.630. In any county assessing more than one hundred million dollars in taxable property, the county shall allow and pay to the county tax commissioner from its funds, for assistants, three thousand dollars. In any county assessing more than thirty-five million dollars in taxable property, the county shall allow and pay to the county tax commissioner from its funds, for assistants, one thousand five hundred dollars.

Mr. Linton offered the following amendments to said bill, viz.:

1. Amend H. B. 272 on page 1, section 1, line 6 after the word "dollars" by striking out the balance of line 6 and all of lines 7, 8 and 9.

2. Amend H. B. 272 on page 1, section 1, line 5 by striking out the words "two and one half cents" after the word "and" and inserting the words "two cents".

Said amendments were each agreed to.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with and the same having been engrossed, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	J. R. Dorman	M. Kavanaugh
Henry Arrowood	T. H. Dyer	G. M. Knuckles
F. H. Bassett, Jr.	Bernie S. Edlin	J. T. Linton
Isaac Blevins	Harry W. Ennis	Homer E. Losey
Douglas T. Bolling	Dr. J. C. Gabbard	Pearl McKinney
J. C. Bradley	J. D. Gross	C. C. May
Jno. W. Burkhart	R. M. Hall	Johnston Miller
Chas. W. Burnley	Jas. P. Hallahan	Harry L. Moore
C. D. Call	Claude Hammons	J. Lee Moore
Fred Carpenter	B. C. Holbrook	L. D. Moore
Willis Champion	Clyde S. Howard	W. B. Moser
Jno. H. Clarke, Jr.	Jerry F. Howell	C. Sid Nabb
A. Roy Copeland	J. J. Huff	Jno. C. Newcomb
John Henry Cox	W. N. Hughes	Chester Peterson
John P. Craig	Lee Johnson	Albert W. Pfeiffer
Fred Creasey	Paul S. Jonas	Sylvester Phillips
Thomas S. Dawson	Wm. E. Justice	L. W. Preston
Adron Doran	H. Clay Kauffman	Kleber F. Price

Edw. P. Prichard	Jno. W. Simmons	Egbert V. Taylor
James E. Quill	Faust Y. Simpson	H. Thieman, Jr.
C. R. Reeves	George T. Smith	Otis C. Thomas
Wade H. Riley	Robt. J. Spaulding	E. B. Thompson
Amos Runyon	E. A. Spencer	John L. Trumbo
Carl Scheben	Arthur Stallard	S. J. Wagner
F. W. Schuhmann	Geo. W. Steinford	Harry F. Walters
Vernon Seaton	Joe Stewart	R. E. West
Leon J. Shaikun	C. W. Taylor	Taylor Witt

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There voted in the negative—

A. L. Love —1

Resolved that the title thereof be as aforesaid.

Mr. Quill moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 362. AN ACT relating to public health, with particular relation to pharmacists, pharmacies and drugs; creating new sections and repealing sections 315.010, 315.020, 315.030, 315.040, 315.050, 315.060, 315.070, 315.080, 315.085, 315.090, 315.100, 315.110, 315.115, 315.120, 315.130, 315.140, 315.150, 315.160, 315.170, 315.180, 315.190, 315.210, 315.990 and 217.400, Kentucky Revised Statutes, 1942 edition.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. Definitions. As used in this chapter, unless the context otherwise required:

(1) "Pharmacy" means every place where:

(a) Drugs are dispensed, or sold at retail, or displayed for sale at retail; or

(b) Where prescriptions are compounded; or

(c) Which has upon it or displayed within it, or affixed to or used in connection with it, a sign bearing the term "pharmacists", "pharmacy", "apothecary", "drug", "drug store", "druggists", "drugs", "medicines", "medicine store", "drug sundries", "remedies", or any term of similar or like import, or any place with respect to which any of those terms are used in any advertisement or telephone directory listing; or

(d) Where the characteristic show bottles or colored globes are exhibited.

(2) "Drug" means every article, other than food and other than devices or their components, parts or accessories, that is:

(a) Intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in man or other animals; or

(b) Intended to affect the structure or any function of the body of man or other animals; or

(c) Intended for use as a component of any articles specified in paragraph (a) or (b) of this subsection.

(3) "Prescription" means an order written by a legally competent practitioner of medicine, dentistry or veterinary medicine, for the preparation and use of a drug.

(4) "Pharmacist" means any person who practices pharmacy, including a druggist, pharmaceutist or pharmaceutical chemist.

(5) "Poison" means any drug or chemical that according to standard medical works is liable to destroy adult human life in quantities of 60 grains or less, or any mixture or preparation containing 60 grains or less, a sufficient quantity of such drug or chemical as to make the same liable to be destructive to adult human life if 60 grains or less is taken.

Sec. 2. PHARMACISTS REQUIRED TO REGISTER. Except as provided in sections 22 to 25 of this chapter no person shall practice pharmacy or hold himself out as a pharmacist without being registered by the Kentucky Board of Pharmacy.

Sec. 3. PHARMACISTS REQUIRED TO OBTAIN PERMIT. No person shall open, establish, operate or maintain a pharmacy without obtaining a permit from the Kentucky Board of Pharmacy.

Sec. 4. PERSONS MANUFACTURING OR PREPARING DRUGS REQUIRED TO OBTAIN PERMIT. No person shall manufacture, make, produce, pack, package or prepare any drug for resale without obtaining a permit from the Kentucky Board of Pharmacy. The permit shall be subject to such rules and regulations with respect to sanitation and equipment as the Board may adopt from time to time for the protection of the public health and safety.

Sec. 5. WHOLESALERS, JOBBERS OR DISTRIBUTORS OF DRUGS REQUIRED TO OBTAIN PERMIT. No person shall sell, offer for sale, vend or distribute at wholesale or as a jobber, broker, agent or distributor or for resale in any manner in this state any drugs without obtaining a permit from the Kentucky Board of Pharmacy. The provisions of this section shall not apply to the retail sale of harmless drugs or medicines by retail grocery stores or general stores.

Sec. 6. PERMIT REQUIRED FOR AUCTION SALE OF DRUGS. No person shall sell or offer for sale at public auction or sell or offer for sale at private sale in a place where public auctions are conducted, any drugs without obtaining a permit from the Kentucky Board of Pharmacy. The permission of the Kentucky Board of Pharmacy shall be obtained in every instance where any of the products covered by this section are to be sold or offered for sale.

Sec. 7. PERMIT REQUIRED FOR DISTRIBUTION OF SAMPLES OF DRUGS. No person shall in any manner distribute or dispose of samples of any drugs, except to physicians, dentists, pharmacists and veterinarians for use in their professions, without obtaining a permit from the Kentucky Board of Pharmacy. The permission of the Kentucky Board of Pharmacy shall be obtained in every instance where any of the samples referred to in this section are to be distributed or otherwise disposed of. The permission shall cover such territory as is prescribed by the Board.

Sec. 8. PHARMACISTS MUST HAVE REGISTERED PHARMACIST IN CHARGE. Every pharmacy shall have a registered pharmacist on duty at all times, who shall be in charge of the pharmacy and who shall, in good faith, devote all of his time to the pharmacy.

Sec. 9. MANUFACTURE OR PREPARATION OF DRUGS TO BE UNDER SUPERVISION OF REGISTERED PHARMACIST OR OTHER APPROVED PERSON. No person shall manufacture, make, produce, package, pack or prepare any drugs except under the personal and immediate supervision of a registered pharmacist or such other person as may be approved by the Kentucky Board of Pharmacy after an investigation and a determination by the Board that he is qualified by scientific or technical training or experience to perform such duties of supervision as may be necessary to protect the public health and safety.

Sec. 10. SALE OF DRUGS LIMITED TO PHARMACISTS; ACTUAL SALE MUST BE BY REGISTERED PHARMACIST. (1) Except as otherwise provided in this chapter the sale and distribution of drugs is limited to pharmacies operating under permits. The actual sale or distribution shall be made by a registered pharmacist or a person acting under his immediate personal direction and supervision, subject to the provisions of subsection (2) of this section.

(2) The sale of drugs that contain poisonous, potent or deleterious ingredients shall be made by a registered pharmacist only, and he shall make known to the purchaser, at the time of the sale, the nature of such drug.

(3) Drugs declared to be "dangerous drugs" by the Director of the Federal Security Agency, pursuant to the authority conferred upon him by the Federal Food, Drug and Cosmetic Act, shall be distributed or dispensed upon prescription only.

(4) It is further provided that nothing in this Act or any Act seeks to limit, restrict or prohibit the sale of harmless drugs and patent medicines in the original package by any store in the Commonwealth of Kentucky.

Sec. 11. PRESCRIPTIONS. (1) Prescriptions shall be compounded and dispensed by registered pharmacists only, and in a pharmacy operating under a permit.

(2) Every pharmacy shall preserve on file, for a period of five years, every prescription compounded or dispensed at the pharmacy. The file of prescriptions shall at all times during business hours be open to inspection by the members of the Kentucky Board of Pharmacy and the Department of Health, or their duly authorized representatives.

Sec. 12. POISONS—HOW TO BE SOLD—REGISTER KEPT. Except as provided in this section all poisons must be sold by a registered pharmacist in a pharmacy operating under a permit. No registered pharmacist shall sell at retail any poison without affixing to the bottle, box, vessel, or package containing the same, a label printed or plainly written containing the name of the article, the word "Poison" and the name and place of business of the seller with the common name of two or more readily accessible antidotes, nor shall he deliver poison to any person without satisfying himself that such poison is to be used for a legitimate purpose and without advising the purchaser the poisonous character of the preparation sold. It shall be the further duty of any registered pharmacist selling or dispensing poisons which are known to be destructive to adult human life in quantities of 5 grains or less, before delivering them, to enter into a book kept for that purpose the name of the seller, the name and residence of the buyer, the name of the article, the quantity sold or disposed of and the purpose for which it is said to be intended.

This book of registry shall be known as the "poison register" and shall be preserved for at least five years after the date of the last entry made therein. Only the retail sale of poisons shall be registered in the poison register. The poison register shall at all times be open to the inspection of the

coroner of the County in which the same may be kept and to the inspection of members of the Kentucky Board of Pharmacy or its authorized agents.

The provisions of this section shall not apply to the dispensing of poisons in not unusual quantities or doses on physician's prescriptions nor to the sale to agriculturists and horticulturists of such articles as are commonly used by them as insecticides in the original package.

Sec. 13. EMMENAGOGUES OR ABORTIVES SOLD ON PRESCRIPTION ONLY. The following emmenagogues or abortives; tansy, pennyroyal, rue, savin, ergot, cotton root and their preparations, patent or otherwise or any new or used drug and their preparations that could produce abortions shall be sold only at retail or dispensed upon the original written prescription of a legally qualified physician, dentist or veterinarian. Said prescription shall be filled but once and of which no copy shall be taken by any person.

Sec. 14. KENTUCKY BOARD OF PHARMACY; ORGANIZATION; MEMBERSHIP. (1) There shall be a Kentucky Board of Pharmacy, consisting of five members appointed by the Governor from lists of names submitted by the Kentucky Pharmaceutical Association. The Board shall be a continuation of the Kentucky Board of Pharmacy created by Chapter 54 of the Acts of 1938, and the members of that Board shall continue in office until their respective terms expire.

(2) At its regular meeting each year, the Kentucky Pharmaceutical Association shall nominate and submit five qualified candidates from its membership. The Governor shall, before October 1 of each year, appoint one person from the names so submitted, but may reject any list and require the submission of other lists. The members appointed in 1944, 1945, 1946, 1947 and 1948 shall succeed the members of

the Board created by Chapter 54 of the Acts of 1938 whose terms expire in those years. The members thereafter appointed shall succeed those appointed under this chapter.

(3) Each member shall hold office for five years and until his successor is appointed and has qualified, unless sooner removed for cause. No member shall be reappointed within one year of the expiration of his term of office. Any vacancy that occurs in the Board created by this chapter or in the office of a member of the Board created by Chapter 54 of the Acts of 1938 shall be filled for the unexpired term by the Governor from the list of names last submitted.

(4) No person shall be appointed to the Board unless he is and has been for at least five years a registered pharmacist in this State, and unless he is actively engaged in a retail pharmacy. Not more than two members of the Board shall be residents of the same county.

Sec. 15. OFFICERS AND EMPLOYEES OF THE BOARD. The Kentucky Board of Pharmacy shall meet in January each year and organize by the election of a President, Vice-President and Executive Secretary-Treasurer, who shall serve for a term of one year and shall perform the duties prescribed by the Board. The President and Vice-President shall be elected from the members of the Board. The Executive Secretary-Treasurer need not be a member of the Board, but shall be a registered pharmacist. The Board may employ such investigators, chemist, agents and other assistants as it deems necessary to carry out the provisions of this chapter.

Sec. 16. MEETINGS OF THE BOARD. (1) The President of the Kentucky Board of Pharmacy shall preside at all of its meetings. In his absence or disability the Vice-President shall preside.

(2) The Board shall hold meetings for the examination of applicants for registration, to grant certificates of registration and permits, and for the transaction of such other business as may lawfully come before it biannually in such cities as the Board may select, and shall continue in session from day to day until its business is disposed of. Additional meetings may be called if deemed necessary by a majority of the members of the Board. Three members shall constitute a quorum. Due public notice of examination shall be given at least thirty days in advance of such examination.

Sec. 17. COMPENSATION AND EXPENSES OF BOARD MEMBERS. Each member of the Kentucky Board of Pharmacy shall receive fifteen dollars for each day actually engaged in the service of the Board. Each member shall receive his traveling expenses and all necessary expenses incurred in the performance of his official duties.

Sec. 18. RULES AND REGULATIONS; REPORTS. The Kentucky Board of Pharmacy shall make such rules and regulations, consistent with law, as are necessary to carry out the purposes and enforce the provisions of this chapter. The Board shall make an annual written report to the Kentucky Pharmaceutical Association of its proceedings and of its receipts and disbursements, including a list of the names of all persons registered and a record of permits and renewals.

Sec. 19. POWER OF INSPECTION. The Kentucky Board of Pharmacy and its duly appointed agents may inspect in a lawful manner the drugs that are manufactured, packed, packaged, sold, offered for sale, exposed for sale or kept for sale in this state, and for this purpose may enter and inspect, during business hours, any place in this state where drugs are manufactured, packed, packaged, made, sold, offered for sale, exposed for sale, dispensed or kept for sale.

Sec. 20. EXECUTIVE SECRETARY-TREASURER OF THE BOARD; BOOKS AND RECORDS. The Executive Secretary-Treasurer of the Kentucky Board of Pharmacy shall be the executive officer in charge of the office of the Board. He shall make, keep and be in charge of all records and record books required to be kept by the Board, including a record of all registrations, and shall attend to the correspondence of the Board and perform such other duties as the Board may require, in keeping with the office of Executive Secretary-Treasurer. He shall receive and receipt for all fees collected and shall pay them over to the State Treasurer.

(2) The Executive Secretary-Treasurer shall give bond, in an amount fixed by the Board, for the faithful performance of the duties of his office. He shall receive such salary as the Board may determine. He shall be permitted such office help as is deemed necessary by the Board. He shall also receive his traveling expenses and all necessary expenses incurred in the performance of his official duties.

(3) The books, registers and records of the Board as made and kept by the Executive Secretary-Treasurer or under his supervision, subject to the direction of the Board, shall be prima facie evidence of the matter therein contained in any court of law.

Sec. 21. QUALIFICATIONS FOR REGISTRATION AS PHARMACISTS; EXAMINATION. (1) Except as provided in Sections 22 to 25 of this chapter, every applicant for registration as a pharmacist shall be not less than twenty-one years of age, a citizen of the United States, of good moral character and temperate habits, a graduate of a school or college of pharmacy or department of a university recognized and approved by the Kentucky Board of Pharmacy, and shall file proof satisfactory to the Kentucky Board of Pharmacy, substantiated by proper affidavits, of a minimum of one year of experience in a retail pharmacy, under the supervision of a

registered pharmacist, which experience shall be predominantly related to the selling of drugs and medical supplies, compounding prescriptions, preparing pharmacutical preparations and keeping records and making reports required by the State and Federal statutes.

(2) Except as provided in Sections 22 to 25 of this chapter, every applicant for registration as a pharmacist shall pass an examination given by the Kentucky Board of Pharmacy.

(3) Every license certificate shall have plainly written, printed or stamped upon its face the words: "Revocable for causes specified by law"; and "Awarded upon examination."

Sec. 22. PHARMACISTS REGISTERED UNDER FORMER LAWS. Persons who hold unexpired certificates of registration as pharmacists in this State granted under former laws, need not register under this chapter, but shall secure annual renewals as provided in this chapter, and in all other respects shall be amenable to the provisions of this chapter.

Sec. 23. PHARMACISTS REGISTERED IN OTHER STATES; RECIPROCITY. The Kentucky Board of Pharmacy may register as a pharmacist, without examination, upon payment of the fee prescribed by section 27, sub-section (2) of this chapter, any citizen of the United States who is duly registered by examination in any other state, that under like conditions, grants registration as a pharmacist without examination, to pharmacists registered by examination in this State. Before being registered the person must produce evidence satisfactory to the Board that he is possessed of good character and morals, and has had the secondary and professional education and training required of applicants for registration under this chapter, except that persons of good char-

acter and morals who were registered as pharmacists by examination in other states prior to the time this chapter became in force shall be required to satisfy only the requirements that existed in this State at the time they were registered.

Sec. 24. ASSISTANT PHARMACISTS. Persons who hold unexpired certificates of registration as assistant pharmacists, granted under former laws, shall continue to hold their status as registered assistant pharmacists, but shall be required to renew their certificate annually in the same manner as certificates of registered pharmacists are renewed. Persons who hold such certificates may be licensed to practice pharmacy as registered pharmacists upon passing an examination prescribed by the Kentucky Board of Pharmacy. Registered assistant pharmacists may have charge of a pharmacy during the temporary absence of the registered pharmacist, but such absence shall not be for a period longer than thirty days in any calendar year. Whenever such absence is for a period of twenty-four consecutive hours or longer, the proprietor, owner, manager or person in charge of the pharmacy shall immediately notify the Executive Secretary-Treasurer of the Kentucky Board of Pharmacy the number of days his store will be in charge of a registered assistant pharmacist and shall give the name of the assistant. This provision shall not be employed as a subterfuge or trick to defeat the requirement that all pharmacies be in charge of a registered pharmacist.

Sec. 25. CONDITIONS OF ISSUANCE OF PERMIT FOR PHARMACY; EQUIPMENT REQUIRED OF PHARMACIES. (1) No permit shall be issued for the conduct of a pharmacy except upon evidence satisfactory to the Kentucky Board of Pharmacy that:

(a) The pharmacy for which the permit is sought will be conducted in full compliance with the law and the rules and regulations of the Kentucky Board of Pharmacy;

(b) The location and appointments of the pharmacy are such that it can be operated and maintained without endangering the public health or safety;

(c) The pharmacy will be constantly under the personal and immediate supervision of a registered pharmacist; and

(d) The person applying for the permit is qualified to conduct the pharmacy;

(e) All current permits must be conspicuously displayed visible to the general public.

(2) Every pharmacy must be equipped with proper pharmaceutical utensils so that perscriptions can be properly filled and United States Pharmacopoeia and National Formulary preparations properly compounded. The Kentucky Board of Pharmacy shall prescribe the minimum of such professional and technical equipment which a pharmacy shall at all times possess and such list shall include the latest revision of the United States Pharmacopoeia and the National Formulary, and all supplements to either of them. The premises of every pharmacy shall be equipped with proper sanitary appliances and kept in a clean and orderly manner. No permit shall be issued or continued for the conduct of a pharmacy unless the provisions of this subsection are complied with.

Sec. 26. APPLICATION FOR REGISTRATION AND FOR PERMITS; FORMS; TIME. (1) Applications for registration as a pharmacist or for a permit required by sections 3 to 8 of this chapter shall be made on forms prescribed and furnished by the Kentucky Board of Pharmacy.

(2) Applications for registration as a pharmacist shall be filed with the Board at least ten days before any stated meeting of the Board at which examinations are to be held.

(3) Applications for a permit to open a new pharmacy shall be made at least thirty days before the pharmacy is to be opened for business.

Sec. 27. FEES, ORIGINAL AND RENEWAL. (1) Every application for registration as a pharmacist must be accompanied by an examination fee of not less than ten dollars nor more than twenty-five dollars, as the Board shall from time to time prescribe. Every registered pharmacist shall, between January 1 and March 1 of each year, pay a renewal fee of not more than six dollars, as the Board shall from time to time prescribe.

(2) Every application by a pharmacist registered in another state for registration as a pharmacist in this State shall be accompanied by a fee prescribed by the Board.

(3) Every registered assistant pharmacist shall, between January 1 and March 1 of each year, pay a renewal fee of not more than four dollars as the Board from time to time shall prescribe.

(4) All current renewals of registered pharmacists and registered assistant pharmacists must be conspicuously displayed visible to the general public.

(5) Every application for a permit required by sections 3 to 8 of this chapter and every application for a renewal thereof, shall be accompanied by the following fee:

(a) For the permit required by Section 3, not less than five dollars nor more than ten dollars, as the Board may determine.

(b) For the permit required by section 4, ten dollars.

(c) For the permit required by section 5, ten dollars.

(d) For the permit required by section 6, ten dollars.

(e) For the permit required by section 7, twenty-five dollars.

Sec. 28. DISPOSITION OF FEES. The Kentucky Board of Pharmacy shall each year, turn over to the Kentucky Pharmaceutical Association, for the advancement of the art and science of pharmacy, out of the annual renewal fees collected by the Board, the sum of two dollars for each registered pharmacist and assistant registered pharmacist who has paid his renewal fee during that year. All other fees shall be paid into the State Treasury and placed in a revolving fund to be spent by the Board of Pharmacy for the enforcement of this chapter.

Sec. 29. EXPIRATION AND RENEWAL OF REGISTRATIONS AND PERMITS. (1) All certificates of registration and all permits shall expire on December 31 following the date of issue, and shall be renewed annually. Application blanks for renewals of pharmacists registrations shall be mailed by the Board to each registered pharmacist and each registered assistant pharmacist in December each year.

(2) If the renewal fee for any pharmacist's certificate, the holder of which is actively engaged in the practice of pharmacy, is unpaid by March 1 of any year, the certificate shall be void, but the holder thereof may be reinstated as a registered pharmacist upon payment of a penalty of one dollar and all lapsed fees, unless he has failed to secure his annual renewal registration for a period of five consecutive years, in which case he shall not be entitled to renew his registration except upon payment of all back renewals and passing a satisfactory examination before the Kentucky Board of Pharmacy.

(3) Application blanks for renewal of permits shall be mailed by the Kentucky Board of Pharmacy to each permittee on or before November 1 of each year. If application for renewal is not made on or before the following December 1, the existing permit shall lapse and become void on the date

of its expiration and no new permit shall be granted except upon evidence satisfactory to the Board of good and sufficient grounds of failure to file the application for renewal within the time prescribed.

Any registered pharmacist or assistant registered pharmacist who leaves his occupation for full time active service in any recognized branch of this Nation's Armed Military Forces during the time of War, shall, upon presentation of suitable evidence to the Executive Secretary-Treasurer of the Kentucky Board of Pharmacy, be exempted from payment of the renewal fees required by section 27 of this chapter.

Sec. 30. SEPARATE PERMITS FOR EACH PLACE OF BUSINESS; PERMITS TO BE DISPLAYED; NON-TRANSFERABLE. Separate applications shall be made and separate permits issued for each separate place at which is carried on any of the operations for which a permit is required by sections 3 to 6 and 7 of this chapter. Each permit issued under this chapter shall be conspicuously exposed to the general public in the place for which it was granted. Permits shall not be transferable.

Sec. 31. REFUSAL, REVOCATION OR SUSPENSION OF REGISTRATIONS AND PERMITS. (1) The Kentucky Board of Pharmacy may, after notice and hearings as prescribed in section 32 of this chapter, refuse, revoke, or suspend the certificate of registration of any pharmacist when the Board finds that the certificate was obtained by fraudulent means, or when the registrant has been convicted of a felony, or of a violation of any statute enacted for the protection of public health; or is found by the Board to be guilty of gross immorality or to be addicted to the liquor or drug habit to such a degree as in the opinion of the Board renders him unfit to compound, sell or dispense drugs and medical supplies.

(2) The Board may, after notice and hearing as prescribed in section 32 of this chapter, refuse, revoke, or suspend any permit when the Board finds that the permit was obtained by fraudulent means, or that the operations for which the permit was issued or is applied for are not being conducted or will not be conducted according to law or are being so conducted as to endanger the public health or safety.

Sec. 32. HEARINGS. (1) The Kentucky Board of Pharmacy may, on its own motion or on a verified complaint, issue a notice to any registrant or permittee to show cause why his certificate or permit should not be suspended or revoked, or a notice to any applicant to show cause why his application for registration or for a permit should not be denied. The notice shall contain a copy of the charge and shall state the time and place at which the hearing is to be conducted. The date of the hearing shall not be less than ten days from the date the notice is received by the applicant, registrant or permittee.

(2) Members of the Board and its Executive Secretary-Treasurer may administer oaths and take evidence in any hearing conducted by the Board. The Board shall, at all hearings, receive the testimony of all witnesses and accept all documentary evidence relevant to the issue.

Sec. 33. APPEALS. Any person having an interest in the matter may, within thirty days of the effective date of the order, appeal from any order of the Board denying, revoking or suspending a certificate or permit, by filing a certified copy of the order in the Franklin County Circuit Court together with a bond approved by the Clerk to insure the payment of costs. The appeal shall be docketed and tried in the manner provided by law for equity cases. From the judgment of the Franklin County Circuit Court any party having an interest therein may appeal in the manner provided by law to the Court of Appeals.

Sec. 34. RELIEF BY INJUNCTION. The Kentucky Board of Pharmacy may, in addition to the criminal penalties prescribed for violating this chapter apply to a court having jurisdiction for an injunction to restrain repetitious violations of the provisions of this chapter.

Sec. 35. PENALTIES. Any person who violates any of the provisions of this chapter shall be fined not less than ten dollars for each violation and each day the violation continues shall constitute a separate and distinct offense. Upon conviction of a permittee, his permit may be revoked by the Kentucky Board of Pharmacy and become void, without notice of hearing.

Sec. 36. REPEALS. Sections 315.010, 315.020, 315.030, 315.040, 315.050, 315.060, 315.070, 315.080, 315.085, 315.090, 315.100, 315.110, 315.115, 315.210, 315.130, 315.140, 315.150, 315.160, 315.170, 315.180, 315.190, 315.210, 315.990 and 217.400, Kentucky Revised Statutes, 1942 edition are repealed.

Sec. 37. TIME OF TAKING EFFECT. This Act shall not become effective until January 1, 1945.

Mr. Doran offered the following amendments to said bill, viz.:

1. Amend H. B. 362 on page 4, in section 10 by striking out all of lines 12-15 inclusive, and inserting in lieu thereof the following:

"(3) Drugs sold at retail and containing any quantity of aminopyrine, barituric acid, cinchophen, dinitrophenol, sulfanilamide, thyroid, or their derivatives, shall be dispensed or distributed only on a written prescription signed by a licensed physician, dentist, or veterinarian, the label of which bears the name and place of business of the seller, the serial number and date of such prescription, and the name of such physician, dentist or veterinarian."

2. Amend H. B. 362 on page 5, subsec. 4 by striking out lines 16, 17, 18 and 19 and substituting in lieu thereof:

"Nothing in this Act shall apply to the sale of usual non-poisonous domestic remedies, harmless drugs or medicines or patent or proprietary medicine in the original package by any store or agent."

Said amendments were each agreed to.

Mr. Preston moved that further immediate consideration of said bill be postponed and that said bill retain its place in the Orders of the Day.

Said motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 240. An Act to provide for civil service and pensions for county employees in counties containing cities of the second class.

With a Committee amendment thereto by way of Substitute therefor.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1

Definitions

As used in this Act, unless the context requires otherwise:

(1) "County" means a county containing a city of the second class.

(2) "Employee" means any person employed in the conduct of county affairs and whose appointment has heretofore been made by the fiscal court or any member thereof, including those holding an administrative or directorial position as head of a department of county government, heretofore or hereafter established, but does not include any person appointed by the county court. Employees are governed by this section and sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 14 of this Act.

(3) "Commission" means the civil service commission.

Section 2.

Commission for Employees; Creation; Appointment.

(1) Any county containing a city of the second class may, by resolution, create a civil service commission to govern employment of employees, classify employees of the county and designate the classes of employees to come under the terms of this Act.

(2) This commission shall consist of three persons appointed by the fiscal court. The original members shall be appointed one for a term of one year, one for a term of two years, and one for a term of three years. Thereafter, the term of the members shall be for three years and until their successors are appointed and qualify. Vacancies shall be filled by appointment for the unexpired term. The member originally appointed for three years shall be secretary, and on the expiration of his term, the commission shall choose one of its members as secretary. The salary of the members may be fixed by the fiscal court.

(3) Not more than two members shall be adherents of same political party. No person shall be appointed a member who is under thirty years of age or related by blood or marriage to the County Judge or to any member of the fiscal court.

Section 3

Rules

The commission shall promulgate and enforce rules consistent with this Act and the resolutions of the fiscal court to carry out the provisions of this Act and the resolutions of the fiscal court. All rules so promulgated shall be subject to the approval of the fiscal court.

Section 4

Number and Class of Employees

Salaries

The number, classifications and salaries of county employees shall be as fixed, from time to time, by resolution of the fiscal court. No employees directed to be appointed by the County court under the provisions of Sections KRS 199.240; 199.050; 28.770; 25.470; 25.290; 25.280; 441.150; 70.510; 395.380; 204.020; 179.020 or 182.040 shall be subject to this Act and appointments to such positions are not governed by this Act.

Section 5

Qualifications of Applicants for Employment

No person shall be eligible for classified county employment unless he is:

(1) At least twenty-one years of age and under sixty years of age.

(2) A registered voter in the county.

(3) Known to be a person of sobriety and integrity.

(4) A law-abiding citizen, and

(5) Able to read, write and understand the English language.

Section 6

Examinations

(1) The commission shall examine all applicants for classified county employment within the classes designated by the fiscal court as to their physical and mental qualifications for the class of employment applied for. The examinations shall include such subjects as the commission prescribed and as are commensurate with the various positions to be filled. Separate examinations shall be held for each class of position.

(2) Examinations shall be held at such times and places as the commission deems proper. Notice containing the pertinent details shall be given at least ten days in advance of each examination by publication in the official newspaper.

(3) The applicants shall be ranked and graded according to the results of the examination. Any applicant who served in the Army, Navy or hospital service of the United States in the World War and who was honorably discharged shall be entitled to a five percent increase in his examination grade.

(4) As soon after each examination as is practicable the commission shall certify and deliver to each member of the fiscal court, a list of the applicants so examined, ranked and graded according to the result of the examination in the order of the grades, with the highest grade first.

Section 7

Appointment of Employees

(1) The fiscal court shall appoint all county employees within the designated classes, from the lists certified to them by the commission. Appointments to the various positions shall be made by the selection of one of the three holding the highest grades in the examination for that position.

(2) If there are urgent reasons for filling a vacancy in a classified position and the commission is unable to certify a list of as many as three persons eligible for appointment after a competitive examination, the fiscal court may nominate a person to the commission for noncompetitive examination, and if the nominee is certified by the commission as qualified after the examination, he may be appointed provisionally to fill the vacancy until a regular appointment can be made from an eligible list prepared by the commission after a competitive examination, which list shall be prepared within ninety days thereafter.

(3) In an emergency, an appointment may be made by the fiscal court without regard to the rules of this Act, but not to continue longer than sixty days, and in no case shall successive appointments be made. Temporary appointments made necessary by disability of regular employees shall continue only during the period of disability.

(4) In case of a vacancy in a classified position where peculiar qualifications such as of a managerial, professional or educational character are required, and upon satisfactory evidence that for specified reasons competition in such case is impracticable and the position can best be filled by a person of high and recognized attainment in such qualities, the commission may dispense with competition.

(5) Where there is important and urgent need for temporary service in a classified position for a period not to exceed sixty days, the fiscal court may select for the temporary service any person on the list of those eligible for permanent employment in that class. Successive temporary appointment shall not be made to the same position. The acceptance or refusal by an eligible applicant of a temporary appointment shall not affect his standing on the list for permanent employment, and the period of temporary service shall not be counted as part of the probationary service in case of subsequent appointment to a permanent position.

(6) No person shall be certified by the commission from an eligible list more than four times to the same fiscal court for permanent employment for the same or a similar position, except at the request of the fiscal court.

Section 8

Present Employees

Employees who at the time this Act is adopted by any county have been in the employ of the county for one year next previous shall be eligible for appointment to the class of position held by them without examination.

Section 9

Political Sentiment or Activities

(1) No person shall be appointed to a classified county employment on account of political partisan service rendered by him or on account of political sentiment or activities, but any employee shall be removed and discharged for any political activity upon proper proof and hearing.

Section 10

Removal, Suspension or Reduction

(1) Except as provided by Section 4 of this Act, no classified employee after serving a probationary period of

six months shall be removed, suspended or reduced in grade or pay for any reason except inefficiency, misconduct, insubordination or violation of law involving moral turpitude or of any rule adopted by the fiscal court or the commission, and then only in the manner hereinafter provided.

(2) Any person may prefer written charges against any employee by filing them with the clerk of the fiscal court. The charges must be signed by the person making them and must set out with clearness and distinctness each separate charge.

(3) When probable cause appears, fiscal court or any member shall prefer charges against any employee whom they believe guilty of any conduct justifying his removal in the interest of public order.

(4) Where the fiscal court has probable cause to believe that any employee has been guilty of conduct justifying punishment, he shall immediately suspend the employee from duty or from both pay and duty pending trial, and the employee shall not be placed on duty or allowed pay thereafter until the charges are heard by the fiscal court. Acquittal of the charges shall entitle the accused to full pay for the time lost.

Section 11

Hearing

(1) Upon the filing of charges, the clerk of the fiscal court shall without delay notify the members thereof and they shall fix a time and place for hearing the charges. The clerk shall give the accused employee at least three days' notice of the hearing by serving a copy of the charges on him, together with a statement of the time and place of hearing. The employee may waive service of the charges and demand trial within three days after they have been filed with the clerk.

(2) Upon the hearing, the charges shall be considered traversed and put in issue and the trial shall be confined to the issues presented by the written charges.

(3) The fiscal court may compel the attendance of witnesses by subpoenas issued by the clerk, served as other subpoenas and shall have the power of a justice of the peace to punish for contempt. The accused employee is entitled to have witnesses subpoenaed on his behalf, upon furnishing their names to the clerk.

Section 12

Decision; Punishment

(1) The action and decision of the fiscal court on the charges shall be reduced to writing and recorded in a book to be kept for that purpose, and the written charges shall be preserved and securely attached to the book.

(2) The fiscal court may punish any employee found guilty of a charge under this Act by reprimand, by suspension for a length of time not to exceed six months, by reducing his grade, or by combining any two or more of such punishments, or by removing or dismissing him.

Section 13

Appeal

(1) If an employee is punished by suspension of more than thirty days, by reduction in grade or by removal or dismissal, he may appeal to the Circuit Court of the county. The enforcement of the judgment of the fiscal court shall not be suspended pending the appeal.

(2) Upon the written request of the employee and payment of the cost thereof, the clerk of the fiscal court shall file in the circuit court a certified copy of the charges and the

finding or judgment of the fiscal court, whereupon the cause shall be docketed and tried do novo. If the clerk fails to notify and file the transcript within five days after request is made, the employee may file an affidavit in the circuit court setting out as fully as possible the charges made and the judgment, with a statement of the fact that demand had been made for a transcript more than five days prior thereto. Upon the filing of the affidavit, the cause shall be docketed and the circuit court may issue mandatory order to compel the filing of the transcript by the clerk and punish him for contempt for failure so to do.

(3) The appeal shall have precedence over other business and be taken up and determined speedily.

(4) If the original punishment fixed by the fiscal court was removal or dismissal of the employee, he may appeal from the circuit court to the Court of Appeals as in other cases.

Section 14

Pension Fund; Creation; Maintenance

(1) Any county adopting by resolution the provisions of this Act may provide for a separate pension fund for the benefit of employees in the classified service, and for that purpose, may create separate pension boards, designate and fix the powers of the trustees of the boards, provide for the creation and maintenance of funds by the levy of a tax not exceeding one cent on each one hundred dollars value of taxable property in the county and assess monthly such amount or per cent of the wages of each employee as may be equitably determined on a fair actuarial basis not to exceed a per cent greater than five per cent of the monthly salary of the employee. The fund shall be used for the retirement of employees after a prescribed number of years of service, for the benefit of disabled employees and for the benefit of widows and dependent children in case of death of an employee while

acting within the scope of his employment or duty. The resolution may prescribe the terms and conditions of eligibility of employees or their dependents to the pension or other benefit, and may provide a monthly allowance for eligible employees not to exceed one-half of the monthly salary or wage of the employee at the time of his retirement.

(2) When a county creates a pension fund under this Act and accepts from its employees a portion of their wages and levies a tax therefor, an inviolate contract shall be created and exist between the county as employer and such employees. The county and the employees shall continue to operate under this Act and the adopting resolution, and a repeal of the adopting resolution shall not affect the employee unless by mutual consent of the county and the employees.

Section 15

Penalty

Any person violating the provision of sub-section (2) of section 9 of this Act shall be fined Two Hundred and Fifty Dollars, or imprisoned six months in the county jail, or both so fined and imprisoned.

Said Substitute is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1

Definitions

As used in this Act, unless the context requires otherwise:

(1) "County" means a county containing a city of the second class.

(2) "Employee" means any person employed in the conduct of county affairs and whose appointment has been

made by the fiscal court or any member thereof, including those holding an administrative or directorial position as head of a department of county government, heretofore or hereafter established, but does not include any person appointed by the county court. Employees are governed by this section and sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 14 of this Act.

(3) "Commission" means the civil service commission.

Section 2.

Commission for Employees; Creation; Appointment.

(1) Any county containing a city of the second class may, by resolution, create a civil service commission to govern employment of employees, classify employees of the county and designate the classes of employees to come under the terms of this Act.

(2) This commission shall consist of three persons appointed by the fiscal court. The original members shall be appointed one for a term of one year, one for a term of two years, and one for a term of three years. Thereafter, the term of the members shall be for three years and until their successors are appointed and qualify. Vacancies shall be filled by appointment for the unexpired term. The member originally appointed for three years shall be secretary, and on the expiration of his term, the commission shall choose one of its members as secretary. The salary of the members may be fixed by the fiscal court.

(3) Not more than two members shall be adherents of same political party. No person shall be appointed a member who is under thirty years of age or related by blood or marriage to the County Judge or to any member of the fiscal court.

Section 3

Rules

The commission shall promulgate and enforce rules consistent with this Act and the resolutions of the fiscal court to carry out the provisions of this Act and the resolutions of the fiscal court. All rules so promulgated shall be subject to the approval of the fiscal court.

Section 4

Number and Class of Employees

Salaries

The number, classifications and salaries of county employees shall be as fixed, from time to time, by resolution of the fiscal court.

Section 5

Qualifications of Applicants for Employment

No person shall be eligible for classified county employment unless he is:

(1) At least twenty-one years of age and under sixty years of age.

(2) A registered voter in the county.

(3) Known to be a person of sobriety and integrity.

(4) A law-abiding citizen, and

(5) Able to read, write and understand the English language.

Section 6

Examinations

(1) The commission shall examine all applicants for classified county employment within the classes designated by the fiscal court as to their physical and mental qualifica-

tions for the class of employment applied for. The examinations shall include such subjects as the commission prescribed and as are commensurate with the various positions to be filled. Separate examinations shall be held for each class of position.

(2) Examinations shall be held at such times and places as the commission deems proper. Notice containing the pertinent details shall be given at least ten days in advance of each examination by publication in the newspaper having the largest bona fide circulation in the county.

(3) The applicants shall be ranked and graded according to the results of the examination. Any applicant who served in the Army, Navy or hospital service of the United States in time of War and who was honorably discharged shall be entitled to a five percent increase in his examination grade.

(4) As soon after each examination as is practicable the commission shall certify and deliver to each member of the fiscal court, a list of the applicants so examined, ranked and graded according to the result of the examination in the order of the grades, with the highest grade first.

Section 7

Appointment of Employees

(1) The fiscal court shall appoint all county employees within the designated classes, from the lists certified to them by the commission. Appointments to the various positions shall be made by the selection of one of the three holding the highest grades in the examination for that position.

(2) If there are urgent reasons for filling a vacancy in a classified position and the commission is unable to certify a list of as many as three persons eligible for appointment

after a competitive examination, the fiscal court may nominate a person to the commission for non-competitive examination, and if the nominee is certified by the commission as qualified after the examination, he may be appointed provisionally to fill the vacancy until a regular appointment can be made from an eligible list prepared by the commission after a competitive examination, which list shall be prepared within ninety days thereafter.

(3) In an emergency, an appointment may be made by the fiscal court without regard to the rules of this Act, but not to continue longer than sixty days, and in no case shall successive appointments be made. Temporary appointments made necessary by disability of regular employees shall continue only during the period of disability.

(4) In case of a vacancy in a classified position where peculiar qualifications such as of a managerial, professional or educational character are required, and upon satisfactory evidence that for specified reasons competition in such case is impracticable and the position can best be filled by a person of high and recognized attainment in such qualities, the commission may dispense with competition.

(5) Where there is important and urgent need for temporary service in a classified position for a period not to exceed sixty days, the fiscal court may select for the temporary service any person on the list of those eligible for permanent employment in that class. Successive temporary appointment shall not be made to the same position. The acceptance or refusal by an eligible applicant of a temporary appointment shall not affect his standing on the list for permanent employment, and the period of temporary service shall not be counted as part of the probationary service in case of subsequent appointment to a permanent position.

(6) No person shall be certified by the commission from an eligible list more than four times to the same fiscal court for permanent employment for the same or a similar position, except at the request of the fiscal court.

Section 8

Present Employees

Employees who at the time this Act is adopted by any county have been in the employ of the county for one year next previous shall be eligible for appointment to the class of position held by them without examination.

Section 9

Political Sentiment or Activities

(1) No person shall be appointed to a classified county employment on account of political partisan service rendered by him or on account of political sentiment or activities, but any employee shall be removed and discharged for any political activity upon proper proof and hearing.

Section 10

Removal, Suspension or Reduction

(1) Except as provided by Section 4 of this Act, no classified employee after serving a probationary period of six months shall be removed, suspended or reduced in grade or pay for any reason except inefficiency, misconduct, insubordination or violation of law involving moral turpitude or of any rule adopted by the fiscal court or the commission, and then only in the manner hereinafter provided.

(2) Any person may prefer written charges against any employee by filing them with the clerk of the fiscal court. The charges must be signed by the person making them and must set out with clearness and distinctness each separate charge.

(3) When probable cause appears, the fiscal court or any member shall prefer charges against any employee whom they believe guilty of and conduct justifying his removal in the interest of public order.

(4) Where the fiscal court has probable cause to believe that any employee has been guilty of conduct justifying punishment, it shall immediately suspend the employee from duty or from both pay and duty pending trial, and the employee shall not be placed on duty or allowed pay thereafter until the charges are heard by the fiscal court. Acquittal of the charges shall entitle the accused to full pay for the time lost.

Section 11

Hearing

(1) Upon the filing of charges, the clerk of the fiscal court shall without delay notify the members thereof and they shall fix a time and place for hearing the charges. The clerk shall give the accused employee at least three days' notice of the hearing by serving a copy of the charges on him, together with a statement of the time and place of hearing. The employee may waive service of the charges and demand trial within three days after they have been filed with the clerk.

(2) Upon the hearing, the charges shall be considered traversed and put in issue and the trial shall be confined to the issues presented by the written charges.

(3) The fiscal court may compel the attendance of witnesses by subpoenas issued by the clerk, served as other subpoenas and shall have the power of a justice of the peace to punish for contempt. The accused employee is entitled to have witnesses subpoenaed on his behalf, upon furnishing their names to the clerk.

Section 12

Decision; Punishment

(1) The action and decision of the fiscal court on the charges shall be reduced to writing and recorded in a book to be kept for that purpose, and the written charges shall be preserved and securely attached to the book.

(2) The fiscal court may punish any employee found guilty of a charge under this Act by reprimand, by suspension for a length of time not to exceed six months, by reducing his grade, or by combining any two or more of such punishments, or by removing or dismissing him.

Section 13

Appeal

(1) If an employee is punished by suspension of more than thirty days, by reduction in grade or by removal or dismissal, he may appeal to the Circuit Court of the county. The enforcement of the judgment of the fiscal court shall not be suspended pending the appeal.

(2) Upon the written request of the employee and payment of the cost thereof, the clerk of the fiscal court shall file in the circuit court a certified copy of the charges and the finding or judgment of the fiscal court, whereupon the cause shall be docketed and tried do novo. If the clerk fails to file the transcript within five days after request is made, the employee may file an affidavit in the circuit court setting out as fully as possible the charges made and the judgment, with a statement of the fact that demand had been made for a transcript more than five days prior thereto. Upon the filing of the affidavit, the cause shall be docketed and the circuit court may issue mandatory order to compel the filing of the transcript by the clerk and punish him for contempt for failure so to do.

(3) The appeal shall have precedence over other business and be taken up and determined speedily.

(4) If the original punishment fixed by the fiscal court was removal or dismissal of the employee, he may appeal from the circuit court to the Court of Appeals as in other cases.

Section 14

Pension Fund; Creation; Maintenance

(1) Any county adopting by resolution the provisions of this Act may provide for a separate pension fund for the benefit of employees in the classified service, and for that purpose, may create separate pension boards, designate and fix the powers of the trustees of the boards, provide for the creation and maintenance of funds by assessing monthly such amount or per cent of the wages of each employee as may be equitably determined on a fair actuarial basis not to exceed a per cent greater than five per cent of the monthly salary of the employee. The fund shall be used for the retirement of employees after a prescribed number of years of service, for the benefit of disabled employees and for the benefit of widows and dependent children in case of death of an employee while acting within the scope of his employment or duty. The resolution may prescribe the terms and conditions of eligibility of employees or their dependents to the pension or other benefit, and may provide a monthly allowance for eligible employees not to exceed one-half of the monthly salary or wage of the employee at the time of his retirement.

(2) When a county creates a pension fund under this Act and accepts from its employees a portion of their wages, an inviolate contract shall be created and exist between the county as employer and such employees. The county and the employees shall continue to operate under this Act and the

adopting resolution and a repeal of the adopting resolution shall not affect the employee unless by mutual consent of the county and the employees.

Said Substitute was then adopted.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with and the same having been engrossed, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	Franklin Goins	C. Sid Nabb
Henry Arrowood	J. D. Gross	Chester Peterson
F. H. Bassett, Jr.	Claude Hammons	Albert W. Pfeiffer
J. C. Bradley	B. C. Holbrook	Sylvester Phillips
Jno. W. Burkhart	Clyde S. Howard	James T. Philpott
Chas. W. Burnley	Jerry F. Howell	Kleber F. Price
C. D. Call	Lee Johnson	Edw. P. Prichard
Fred Carpenter	Paul S. Jonas	James E. Quill
Willis Champion	M. Kavanaugh	C. R. Reeves
A. Roy Copeland	G. M. Knuckles	Amos Runyon
John Henry Cox	J. T. Linton	Carl Scheben
John P. Craig	Homer E. Losey	F. W. Schuhmann
Fred Creasey	A. L. Love	Vernon Seaton
Thomas S. Dawson	Pearl McKinney	Leon J. Shaikun
Adron Doran	C. C. May	Faust Y. Simpson
J. R. Dorman	Johnston Miller	George T. Smith
T. H. Dyer	Harry L. Moore	E. A. Spencer
Bernie S. Edlin	J. Lee Moore	Geo. W. Steinford
Dr. J. C. Gabbard	L. D. Moore	Joe Stewart
Chas. B. Gentry	W. B. Moser	C. W. Taylor

Egbert V. Taylor	E. B. Thompson	Harry F. Walters
H. Thieman, Jr.	John L. Trumbo	R. E. West
Otis C. Thomas	S. J. Wagner	Taylor Witt

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Those who voted in the negative were—

H. Clay Kauffman	L. W. Preston	Robt. J. Spaulding
Coy C. Nevitt	Wade H. Riley	Arthur Stallard

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Resolved that the title thereof be as amended.

Mr. Quill moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 346. An Act relating to elections.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

In any action for the contest of any regular or primary election, or for a recount of the ballots in any such election, the validity of any ballot cast as an absentee voter's ballot may be questioned only on the ground that the procedure prescribed by statute for the casting of such ballot was not complied with.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	Jerry F. Howell	Edw. P. Prichard
Henry Arrowood	W. N. Hughes	James E. Quill
F. H. Bassett, Jr.	Lee Johnson	C. R. Reeves
Isaac Blevins	Paul S. Jonas	L. Allen Rhoads
Jno. W. Burkhart	H. Clay Kauffman	Wade H. Riley
Chas. W. Burnley	M. Kavanaugh	H. G. Royalty
C. D. Call	G. M. Knuckles	Amos Runyon
Fred Carpenter	J. T. Linton	Carl Scheben
Willis Champion	Homer E. Losey	F. W. Schuhmann
Jno. H. Clarke, Jr.	A. L. Love	Vernon Seaton
A. Roy Copeland	Pearl McKinney	Jno. W. Simmons
John Henry Cox	C. C. May	Faust Y. Simpson
John P. Craig	Johnston Miller	George T. Smith
Fred Creasey	J. Lee Moore	Robt. J. Spaulding
Thos. S. Dawson	L. D. Moore	E. A. Spencer
Adron Doran	W. B. Moser	Geo. W. Steinford
J. R. Dorman	C. Sid Nabb	Joe Stewart
T. H. Dyer	Coy C. Nevitt	C. W. Taylor
Bernie S. Edlin	Chester Peterson	Egbert V. Taylor
Harry W. Ennis	Albert W. Pfeiffer	Otis C. Thomas
Dr. J. C. Gabbard	Sylvester Phillips	E. B. Thompson
R. M. Hall	James T. Philpott	John L. Trumbo
Claude Hammons	J. Gip Prather	S. J. Wagner
B. C. Holbrook	L. W. Preston	Harry F. Walters
Clyde S. Howard	Kleber F. Price	Taylor Witt

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Those who voted in the negative were—

Chas. B. Gentry	Arthur Stallard	R. E. West
Harry L. Moore	Thos. M. Swope	

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Resolved that the title thereof be as aforesaid.

Mr. Quill moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 37. Resolution for the benefit of the employees of the House and Senate.

Said resolution is as follows, viz.:

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. That there is hereby appropriated from the Legislative Session Fund an allowance for necessary expenses for the following employees and officers of the Senate and House of Representatives, viz.: Assistant Clerks, Enrolling Clerks, Sergeant-at-Arms, Doorkeepers, Cloakroom Keepers, Janitors and Pages, to that compensation provided in KRS 6.230, the sum of $9,072.00.

Sec. 2. That the Chief Clerk of the Senate shall requisition and the Commissioner of Finance shall draw a warrant for the sum of $3,960.00 on the State Treasurer of the Commonwealth of Kentucky in favor of the Chief Clerk of the Senate. Such Chief Clerk shall forthwith distribute to the employees and officers of the Senate such funds on the basis of the number of days that such employees and officers served during the regular session of the General Assembly in the year 1944, the rate per day to be computed by said Chief Clerk and the Committee on Committees of the Senate on a

pro rata basis of the amounts authorized to be paid them by KRS 6.230.

Sec. 3. The Chief Clerk of the House of Representatives shall requisition and the Commissioner of Finance shall draw a warrant, for the sum of $5,112.00, on the State Treasurer of the Commonwealth of Kentucky in favor of the Chief Clerk of the House of Representatives. Such Chief Clerk shall forthwith distribute to the employees and officers of the House of Representatives such funds on the basis of the number of days that such employees and officers served during the regular session of the General Assembly in 1944. The rate per day to be computed by the said Chief Clerk and the presiding officer of the House of Representatives on a pro rata basis of the amounts authorized to be paid them by KRS 6.230.

All Acts or parts of Acts in conflict herewith to the extent of such conflict are hereby repealed.

Whereas, the General Assembly will within a short time adjourn and the employees and officers will depart for various sections of the State, an emergency is hereby declared to exist, and this Resolution shall be effective from and after its passage and approval by the Governor of the Commonwealth of Kentucky.

Mr. Hammons offered the following amendment to said resolution, viz.:

Amend H. Res. 37 by striking out the words "necessary expenses" wherever they occur in the resolution and substituting therefor the words "additional compensation."

Said amendment was agreed to.

Ordered that said resolution be engrossed and read the third time.

The Constitutional provision as to the third reading of said resolution at length having been dispensed with and the same having been engrossed, said resolution was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	Claude Hammons	C. R. Reeves
Henry Arrowood	B. C. Holbrook	L. Allen Rhoads
Isaac Blevins	Jerry F. Howell	Wade H. Riley
Douglas T. Bolling	W. N. Hughes	H. G. Royalty
J. C. Bradley	Lee Johnson	Carl Scheben
Jno. W. Burkhart	Paul S. Jonas	F. W. Schuhmann
Chas. W. Burnley	H. Clay Kauffman	Vernon Seaton
Fred Carpenter	M. Kavanaugh	Leon J. Shaikun
A. Roy Copeland	J. T. Linton	Jno. W. Simmons
John Henry Cox	Homer E. Losey	George T. Smith
John P. Craig	Pearl McKinney	E. A. Spencer
Fred Creasey	C. C. May	Arthur Stallard
Thos. S. Dawson	Harry L. Moore	Geo. W. Steinford
Adron Doran	J. Lee Moore	Joe Stewart
J. R. Dorman	L. D. Moore	Thos. M. Swope
T. H. Dyer	W. B. Moser	C. W. Taylor
Bernie S. Edlin	C. Sid Nabb	Egbert V. Taylor
Harry W. Ennis	Chester Peterson	H. Thieman, Jr.
Dr. J. C. Gabbard	Albert W. Pfeiffer	Otis C. Thomas
Chas. B. Gentry	Sylvester Phillips	E. B. Thompson
Franklin Goins	J. Gip Prather	John L. Trumbo
J. D. Gross	Kleber F. Price	S. J. Wagner
R. M. Hall	Edw. P. Prichard	Harry F. Walters
Jas. P. Hallahan	James E. Quill	Taylor Witt

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Those who voted in the negative were—

F. H. Bassett, Jr.	Jno. C. Newcomb	R. E. West
C. D. Call	L. W. Preston	Speaker Harry
Jno. H. Clarke, Jr.	Amos Runyon	Lee Waterfield
A. L. Love	Faust Y. Simpson	
Coy C. Nevitt	Robt. J. Spaulding	—12

Resolved that the title thereof be as aforesaid.

Mr. Quill moved that the vote by which said resolution was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules and without objection, the following bills were introduced, viz.:

By Mr. Carpenter.

H. B. 414. AN ACT relating to county road and bridge bond indebtedness of the Commonwealth of Kentucky and appropriating certain sums from the State Road Fund to a Sinking Fund for the purpose of assisting the counties in discharging county road and bridge bond indebtedness.

Said bill is as follows, viz.:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That there is hereby appropriated out of the road fund of the Commonwealth of Kentucky a sum equal to ten percent of any and all funds payable to said road fund. Said ten per cent of said road fund is set aside and payable into a sinking fund to be known as the County

Road and Bridge Bond Sinking Fund. The ten per cent herein appropriated to said Count Road and Bridge Bond Sinking Fund shall be ascertained and allocated to said fund at the end of each Fiscal Year by the Commissioner of Finance. The State Local Finance Officer shall furnish to the Commissioner of Finance a statement showing the number of counties in this Commonwealth having outstanding voted road and bridge bond indebtedness and the amount thereof owing by each of said counties. Each county in this Commonwealth having outstanding voted road and bridge bonds shall be entitled to have paid each year from the said County Road and Bridge Bond Sinking Fund, bonds due by said county in equal proportion to the number of counties owing said voted road and bridge bonds and the Commissioner of Finance shall call for payment such bonds of each of said counties for payment by the said Commissioner of Finance out of said fund, as the proportionate part of said county will permit, together with any accrued interest due on said bonded indebtedness of said county.

Section 2. This Act shall not be construed as relieving the county from paying out of its sinking fund created for that purpose any bonds or accrued interest, but shall only be for the purpose of assisting the counties in discharging their voted road and bridge bond obligation.

By Mr. Stewart.

H. B. 415. An Act appropriating funds for the common schools for the fiscal years ending June 30, 1945 and June 30, 1946.

Said bill is as follows, viz.:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

There is hereby appropriated out of the General Expenditure Fund for the fiscal year beginning July 1, 1944 and ending June 30, 1945, and for the fiscal year beginning July 1, 1945 and ending June 30, 1946, the following sums for the benefit of the common schools of the Commonwealth.

a. Common School Per Capita Fund. For the payment of teachers' salaries and for no other purpose. The State Board of Education is directed to approve no budget or salary schedule for a local board of education for the school years 1944-1945 and 1945-1946 in which the amount budgeted for teachers' salaries is reduced below that of 1943-1944 including the salary supplement provided by the Deficiency Appropriations Act of 1944, except such reductions as may become necessary as the result of a decrease in enrollment which would require fewer teachers or a decline in local revenues in those districts levying the maximum tax rate for school purposes permitted by law. Any reductions permitted by the State Board of Education shall be only for the amounts which would be required to pay the number of teachers reduced and to meet the decline in local revenues that would have been used for teachers' salaries had no decline in local revenues occurred:

1944-1945 ..... $13,361.062.37
1945-1946 ..... $13,361.062.37

It is the intention of the Legislature that this fund shall also include in addition to the above amount and supplemental thereto the interest on State School bonds amounting to $138,937.63 for each year, as provided in the Constitution of Kentucky for the support of the common schools.

b. Equalization Fund. For equalization of educational services in common schools, as provided by law,

1944-45 ..... $1,500,000.00
1945-46 ..... $1,500,000.00

By Messrs. J. Moore, Burkhart and Rhodes.

H. B. 416. An Act appropriating the sums listed under the various items for the operation, maintenance, support and functioning of the State Department of Education and the various divisions thereof, including the Teachers' Retirement System, as listed herein for the fiscal years ending June 30, 1945 and June 30, 1946.

Said bill is as follows, viz.:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

There is hereby appropriated out of the General Expenditure Fund for the fiscal year beginning July 1, 1944 and ending June 30, 1945, and for the fiscal year beginning July 1, 1945 and ending June 30, 1946, the following sums for the operation, maintenance, support and functioning of the Department of Education and the various divisions listed herein, including the State Teachers' Retirement System:

DEPARTMENT OF EDUCATION

a. *Superintendent of Public Instruction.* For ordinary recurring expenses of operation

1944-1945	$67,500.00
1945-1946	$67,500.00

b. *Division of Certification.* For ordinary recurring expenses of operation.

1944-1945	$15,000.00
1945-1946	$15,000.00

c. *State Board of Education.* For ordinary recurring expenses of operation

1944-1945	$15,000.00
1945-1946	15,000.00

d. *State Textbook Commission.* For ordinary recurring expenses of operation

1944-1945	$ 500.00
1945-1946	$ 2,000.00

e. *Common School Per Capita Fund.* For the payment of teachers' salaries and for no other purpose:

1944-1945	$13,361,062.37
1945-1946	$13,361,062.37

The State Board of Education is directed to approve no budget or salary schedule for a local board of education for the school years 1944-1945 and 1945-1946 in which the amount budgeted for teachers' salaries is reduced below that of the school year 1943-1944, including the salary supplement provided by the Deficiency Appropriation Act of 1944, except such reductions as may become necessary as the result of the decrease in enrollment which would require fewer teachers or a decline in local revenues in those districts levying the maximum tax rate permitted by law. Any such reductions permitted shall be only for an amount which would be required to pay the number of teachers reduced and the decline in local revenue that would have been used for teaching services had no decline in local revenues occurred.

f. *Interest on State School Bonds.* From interest on State School Bonds, as provided by the State Constitution, for the support of common schools, which amount shall be used to supplement the appropriation of Common School Per Capita in item (e)

1944-1945 ..... $138,937.63

1945-1946 ..... $138,937.63

g. *Equalization Fund.* For equalization of educational services in the common school to be expended as provided by law.

1944-1945 ..... $1,500,000.00

1945-1946 ..... $1,500,000.00

h. *Free Textbooks.* For the purchase of textbooks as provided for in KRS 157.100 and 157.190. An amount not exceeding 3% of this appropriation may be used for administration

1944-1945 ..... $500,000.00

1945-1946 ..... $500,000.00

i. *Vocational Education.* For ordinary recurring expenses of operation

1944-1945 ..... $250,000.00

1945-1946 ..... $250,000.00

j. *Vocational Rehabilitaion.* For ordinary recurring expenses of operation in rehabilitating persons disable in industry and otherwise

1944-1945 ..... $61,000.00

1945-1946 ..... $61,000.00

k. *Kentucky State College for Negroes.* For ordinary recurring expenses of operation

1944-1945 ..... $150,000.00

1945-1946 ..... $150,000.00

l. *Lincoln Institute of Kentucky.* For ordinary recurring expenses for operating a practice teacher training high school in accordance with a contract between the State Board of Education and the Board of Trustees of Lincoln Institute.

1944-1945 ..... $42,000.00

1945-1946 ..... $42,000.00

m. *West Kentucky Vocational Training School for Negroes.* For ordinary recurring expenses of operation

1944-1945 ..... $44,000.00
1945-1946 ..... $44,000.00

n. *College Tuition for Negroes.* For extraordinary expenses of paying college tuition for Negro students required to go out of the State to obtain higher educational training

1944-1945 ..... $7,000.00

1945-1946 ..... $7,000.00

o. *Kentucky School for the Blind—White.* For ordinary recurring expenses of operation

1944-1945 ..... $82,000.00

1945-1946 ..... $82,000.00

p. *Kentucky School for the Blind—Colored.* For ordinary recurring expenses of operation

1944-1945 ..... $9,300.00

1945-1946 ..... $9,300.00

q. *Kentucky School for the Blind—Workshop for the Adult Blind.* For ordinary recurring expenses of operation

1944-1945 ..... $14,800.00

1945-1946 ..... $14,800.00

r. *Mayo Vocational Training School.* For ordinary recurring expenses of operation

1944-1945 ..... $30,000.00

1945-1946 ..... $30,000.00

s. *Teachers' Retirement Fund.* For administering and complying with the obligations of the State under the Teachers' Retirement Act, KRS 161.220 to 161.710, an amount not to exceed

1944-1945 ..... $799,000.00

1945-1946 ..... $823,000.00

By Mr. Huff.

H. B. 417. An Act appropriating money for the common school fund.

Withdrawn by sponsor with consent of House.

By Mr. Kauffman.

H. B. 418. An Act relating to county public high schools.

Said bill is as follows, viz.:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

No county public high school which has been established for five or more years shall be abolished on account of a decrease in the number of pupils in said school by the State Department of Education without the consent and approval of the county board of education of the county in which the high school is located.

By Mr. Kauffman.

H. B. 419. An Act enabling cities of the second, third, fourth, fifth and sixth classes to acquire, construct, operate and maintain a gas well or wells, a gas, light, heat and power plant, a gas system and extensions and appurtenances thereto and to issue revenue bonds of such cities to pay the cost thereof, payable solely from the revenues of such works without such cities incurring indebtedness.

Said bill is as follows, viz.:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Cities of the second, third, fourth, fifth and sixth classes may purchase, establish, erect, maintain and operate a gas well or wells, a gas, light, heat and power plant, a gas system and extensions and necessary appurtenances thereto, or any combination of same, hereinafter referred to in this Act as "a gas system," within or without the corporate limits, under the provisions of this act for the purpose of supplying such city and the inhabitants thereof with gas, light, heat and power. Any such city may, within the discretion of its governing body, extend the services of its gas system beyond its corporate limits and the cost thereof may be paid by such city and may be financed by the issuance of bonds under this act, and any such extensions shall be subject to the same statutory mortgage lien as an original system financed under this act, and any revenues derived from such extensions shall be used and applied as other revenues received from operations within the corporate limits. Whenever any such city determines to acquire or construct a gas system under the provisions of this act, and property, real or personal, located either within or without the boundaries of the city is necessary as a gas supply or to complete the gas system to be required or constructed, and an ordinance has been adopted, and published or posted as required by law if any publication or posting is required, determining and declaring the necessity, then if the compensation for the sale of said property cannot be agreed upon by the city and the owner or owners thereof, the city may condemn and take possession of the property for said purpose in the same way and manner as it is now provided by law for the condemnation of real estate for railroad purposes.

Section 2. Any city desiring to acquire a gas system under the provisions of Section 1 of this Act shall proceed in the same manner, be governed by the same conditions, and be entitled to all the privileges and rights set forth in KRS

96.360 to 96.510, inclusive, for the acquisition and operation of a water system, with the following exceptions:

(1) Original bonds shall be sold at a public sale after a notice of the sale has appeared at least once in a newspaper of general circulation in the city at least one week prior to the sale, or any contract for the purchase or acquisition of a gas system may provide that payment thereof shall be made in such bonds, in which event no public sale will be required.

(2) Money received from the sale of original bonds may, in addition to the purposes specified in KRS 96.400, be applied for the reasonable and necessary expenses in connection with the purchase, establishment or erection of the gas system.

(3) Any surplus, as contemplated in KRS 96.440, may be transferred either to the depreciation account to be used for improvements, extensions or additions to the gas system, or to the fund for the payment of the principal and interest on the bonds.

(4) If at the time of issuing refunding bonds, as contemplated by KRS 96.470, there are outstanding one or more series of bonds payable from the revenues of the gas system, whether the same are original bonds, deficiency bonds or additional bonds issued for improvements or betterments, the aggregate thereof may be refunded by one new bond issue, payable from the revenues of the gas system with all the bonds of the new issue secured by one statutory lien. In any of such events, accrued and unpaid interest and any premiums which have to be paid on the bonds to be refunded in order to refund them, may be included in the refunding bond issue and paid from the proceeds thereof.

(5) When the city legislative body determines to issue deficiency bonds, as contemplated by KRS 96.480, such bonds may, in the discretion of the city legislative body, be issued on a parity with the original bonds and with equal rights to participate in the funds set aside for the payment of the original bonds and the interest thereon, but in such event the ordinance authorizing the issuance of such deficiency bonds shall provide for the payment into the fund for the payment of interest and principal on the bonds of sufficient additional money to provide for the payment of principal and interest of such deficiency bonds, in addition to the amounts originally stipulated for the payment of the original bonds. After the completion of the project and purposes contemplated at the time of the issuance of the original bonds, no bonds on a parity therewith shall be issued under this Act. Original bonds issued under this Act shall contain a statement of the fact that such deficiency bonds may be issued on a parity therewith, but the inclusion of such statement shall not, in any way, affect the negotiability thereof.

(6) If additional bonds are issued for additions, extensions and improvements, as contemplated by KRS 96.490, and such additions, extensions and improvements were not included in the project and purposes contemplated and declared when the original bonds were issued and sold, such additional bonds shall be clearly designated on their face as "Second Series" or "Second Lien" or "Third Series" or "Third Lien," and so on, as may correspond with the existing facts, and the rights of the holders of such bonds and of the coupons thereon shall be inferior and subordinate both as to sources of payment and with respect to the statutory mortgage lien, to any prior bonds theretofore issued and outstanding with respect to the same gas system.

Section 3. This act shall be deemed to create an additional and alternate method for the acquisition of a gas sys-

tem by any city of the second, third, fourth, fifth and sixth classes and shall not be deemed to include, amend, alter, or repeal any other statute. No proceedings shall be required for the acquisition of any gas system hereunder or the issuance of bonds hereunder except such as are prescribed by this ACT, any provisions in the general Laws of the Commonwealth of Kentucky or the charter of any city to the contrary notwithstanding.

Section 4. Any city acquiring or constructing a gas system within or without the city under the provisions of this Act, shall by ordinance appoint three commissioners to operate, manage and control said plant to be known as the City Gas Commission.

Said Commission shall have absolute and exclusive control of said gas system and its operation and fiscal management, regulation of rates and in every other respect provided that in fixing rates the Commission shall be governed by the provisions of KRS 96.430 and of any ordinance enacted by the city legislative body as provided in said KRS 96.430.

The Commission shall provide rules, regulations and by-laws for the management of the gas system and out of the revenue of the gas system it shall pay operating expenses, repairs and additions which may be necessary to be made thereto, and provide sufficient reserve funds to insure that the gas system is kept in repair and in good working order and to provide against any emergency which may arise. The Commission shall from time to time pay to the city the surplus revenue derived from the operation of the plant as is provided in KRS 96.430 and KRS 96.440.

In order that the Commission may be non-partisan and non-political, no person shall be appointed a member thereof who has, within the last two years before his appointment, held any city, county, state or federal office, or who within

said period has been a member of any committee of any political party, or who is related within the third degree to the mayor or any member of the city legislative body. The Commission shall not appoint to any subordinate office which they may create any person who is related to any of the commissioners or to the mayor of the city or to any member of the city legislative body. No officer or employee of the city whether holding a paid or unpaid office shall be eligible to be appointed as a member of the Commission or to be employed by the Commission in any capacity. The members of the Commission shall be citizens, taxpayers, and legal voters of the city and shall not at the time of the appointment be indebted to the city either directly or indirectly or be surety on the official bond of any officer of the city.

If any time during his term of office any member of the Commission shall become a candidate for or be elected or be appointed to any public office he shall automatically vacate his membership from the Commission and another person shall be appointed in his place.

The city shall pay the cost of securing bonds for the Commissioners from a surety company, and the Commissioners shall each execute bond in the penal sum of $10,000.00 conditioned upon the faithful performance of his official duties. The bonds shall be approved by the city legislative body.

An action may be maintained upon any commissioner's bond by any person injured by a violation of the covenants therein contained.

The city legislative body shall fix the salary to be paid to the members of the Commission but not to exceed $300.00 per annum for each Commissioner.

The first Board of Commissioners appointed under this Act shall be appointed for terms as follows: one for the term of one year; one for the term of two years; one for the term of three years. Upon the expiration of the first terms, successors shall be appointed for a term of three years.

Section 5. Whereas, various cities of the Commonwealth of Kentucky desire to purchase, acquire or construct immediately gas systems for the benefit of themselves, their inhabitants and businesses engaged in the production of goods for national defense, and

Whereas there is at present no adequate method by which same may be purchased, acquired or constructed,

Now, therefore, an emergency is hereby declared to exist, and this Act shall become effective immediately upon its passage and approval by the Governor.

By Mr. Doran.

H. B. 420. An Act appropriating funds for the common schools for the fiscal years ending June 30, 1945 and June 30, 1946.

Said bill is as follows, viz.:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

There is hereby appropriated out of the General Expenditure Fund for the fiscal year beginning July 1, 1944 and ending June 30, 1945, and for the fiscal year beginning July 1, 1945 and ending June 30, 1946, the following sums for the benefit of the common schools of the Commonwealth.

a. Common School Per Capita Fund. For the payment of teachers' salaries and for no other purpose. The State Board of Education is directed to approve no budget or salary schedule for a local board of education for the school years 1944-1945 and 1945-1946 in which the amount budgeted for teachers' salaries is reduced below that of 1943-1944 including the salary supplement provided by the Deficiency Appropriations Act of 1944, except such reductions as may become necessary as the result of a decrease in enrollment which would require fewer teachers or a decline in local revenues in those districts levying the maximum tax rate for school purposes permitted by law. Any reductions permitted by the State Board of Education shall be only for the amounts which would be required to pay the number of teachers reduced and to meet the decline in local revenues that would have been used for teachers' salaries had no decline in local revenues occurred:

1944-1945	$13,400,000.00
1945-1946	$13,400,000.00

It is the intention of the Legislature that this fund shall also include in addition to the above amount and supplemental thereto the interest on State School bonds amounting to $138,937.63 for each year, as provided in the Constitution of Kentucky for the support of the common schools.

b. Equalization Fund. For equalization of educational services in common schools, as provided by law:

1944-1945	$1,503,000.00
1945-1946	$1,503,000.00

By Mr. Burnley.

H. B. 421. An Act relating to state owned bridges, including bridges for the use and distribution of the revenue derived from tolls heretofore and hereafter charged thereon.

Said bill is as follows, viz.:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the sum of $424,067.15, received from tolls charged on certain state owned toll bridges after a sufficient amount had been received to retire on indebtedness against such bridges, and shall now constitute a part of the State Road Fund, shall be ear-marked, set aside and held in trust for the purpose of retiring the debt on existing state owned toll bridges as hereinafter provided.

Such sums shall be held apart and in trust for the outstanding debt against the existing state owned toll bridges is reduced to the sum of $425,067.15, and such sums shall then be used to pay the balance of such indebtedness. No portion of the sums hereby directed to be set apart and held in trust shall be used for any purposes other than the retirement of indebtedness against existing state owned toll bridges as provided in this Act.

By Mr. Ennis.

H. Res. 72. Resolutions for the benefit of W. Henry Grimes, former tax commissioner of Warren County for the years 1930-34 inclusive.

Said resolution is as follows, viz.:

WHEREAS, W. Henry Grimes was duly elected Tax Commissioner of Warren County for the years 1930 to 1934 inclusive, and

WHEREAS, W. Henry Grimes was duly elected Tax Commissioner of Warren County and assumed the duties of that office on the first Monday of January, 1930, and served

as such Tax Commissioner for a period of four years or until December 31, 1934, and

WHEREAS, during the said years of 1930 to 1934 inclusive, the said W. Henry Grimes as Tax Commissioner of Warren County, did not receive the minimum net salary of $4000.00 per annum for rendering the services required of him under the law, and

WHEREAS, the Attorney General of the Commonwealth of Kentucky ruled that said Tax Commissioner of Warren County together with other tax commissioners, could not receive full salary on his commissions as provided by the statutes and laws then in full force and effect, and

WHEREAS, by reason of said opinion there was deducted from the commission due from the Commonwealth of Kentucky to said W. Henry Grimes the sum of $300.00 per annum, and

WHEREAS, the Attorney General of the Commonwealth of Kentucky thereafter ruled that said tax commissioners, as such officers, were entitled to a minimum of $4000.00 per annum, and

WHEREAS, thereafter the Commissioner of Revenue of the Commonwealth of Kentucky in agreement with the interpretation of the Statute as contained in the opinion of the Attorney General of the Commonwealth of Kentucky in the year 1940, paid to the said tax commissioners the sums provided by statute, and

WHEREAS, in order to pay some of the tax commissioners for former years a resolution was passed by the General Assembly at its 1942 session, being Chapter 212 of the Printed Acts of said session and Senate Resolution No. 13,

authorizing the payment of the sums due them for the years 1936 to 1940 inclusive, and

WHEREAS, there was not included in said resolution tax commissioners who served in former years, and

WHEREAS, the said W. Henry Grimes served as Tax Commissioner of Warren County as above set out for a period of four years, and

WHEREAS, there was deducted from his fees and commissions by the Auditor of Public Accounts of the Commonwealth of Kentucky the sum of $300.00 per year, or a total of $1200.00 for the four years,

Now Therefore, be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That the Commissioner of Revenue of the Commonwealth of Kentucky is hereby directed to ascertain from the records relating to the assessment of property in the above named county the amount that is due and owing the above named tax commissioner, W. Henry Grimes, for the years 1930 to 1934 inclusive, and certify the said amount to the Commissioner of Finance of the Commonwealth of Kentucky and the Commissioner of Finance is hereby directed to draw his warrant upon the State Treasurer of Kentucky in favor of the named Tax Commissioner for the amount due and owing to him and there is hereby appropriated out of the General Fund a sum not otherwise appropriated sufficient to cover the amount of the warrant so directed to be issued in favor of said W. Henry Grimes, not to exceed, however, the sum of twelve hundred ($1200.00) dollars.

By Mr. Waterfield.

H. Res. 73. A JOINT RESOLUTION authorizing and directing the renovation and redecoration of the House Chamber, and the modernizing of the lighting system therein.

Said resolution is as follows, viz:

WHEREAS, the House Chamber has not been redecorated or repainted for some twenty years or more, and its walls and ceiling are now in shameful condition, and

WHEREAS, it is highly important that the House Chamber be repainted and redecorated before the next regular session of the General Assembly, now, therefore:

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That the Division of Purchases and Public Properties of the Department of Finance, or other proper state agency, is hereby authorized and directed to repaint, redecorate and otherwise generally renovate the walls and ceiling of the Chamber of the House of Representatives, in due time before the 1946 Session of the General Assembly, and to install in such Chamber a modern lighting system.

Ordered that said bills and resolutions be printed.

Ordered that H. B. 414, H. B. 418, H. B. 419, H. B. 421, H. Res. 72, H. Res. 73, be referred

To the Committee on Rules.

Mr. Quill moved that the House do now adjourn.

Said motion was agreed to.

And then the House adjourned.

TUESDAY, MARCH 7, 1944.

The House was called to order by The Honorable Harry Lee Waterfield, Speaker.

The House was opened with prayer by The Reverend Virgil Moore of the Methodist Church of Frankfort.

The Roll was called and the following members answered to their names, viz.:

Chas. W. Anderson	J. D. Gross	L. D. Moore
Henry Arrowood	R. M. Hall	W. B. Moser
F. H. Bassett, Jr.	Jas. P. Hallahan	C. Sid Nabb
Isaac Blevins	Claude Hammons	Coy C. Nevitt
Douglas T. Bolling	B. C. Holbrook	Jno. C. Newcomb
J. C. Bradley	Benton Howard	Joe E. Nunn
Jno. W. Burkhart	Clyde S. Howard	H. C. Patterson
Chas. W. Burnley	Jerry F. Howell	Chester Peterson
C. D. Call	J. J. Huff	Albert W. Pfeiffer
Fred Carpenter	W. N. Hughes	Sylvester Phillips
Willis Champion	W. H. Hunt	James T. Philpott
Jno. H. Clarke, Jr.	Lee Johnson	J. Gip Prather
A. Roy Copeland	Paul S. Jonas	L. W. Preston
Marvin Cornett	Wm. E. Justice	Kleber F. Price
John Henry Cox	H. Clay Kauffman	Edw. P. Prichard
John P. Craig	M. Kavanaugh	James E. Quill
Fred Creasey	G. M. Knuckles	C. R. Reeves
Thomas S. Dawson	J. T. Linton	L. Allen Rhoads
Adron Doran	Homer E. Losey	Wade H. Riley
J. R. Dorman	A. L. Love	H. G. Royalty
T. H. Dyer	Pearl McKinney	Amos Runyon
Bernie S. Edlin	C. C. May	Carl Scheben
Harry W. Ennis	Johnston Miller	F. W. Schuhmann
Dr. J. C. Gabbard	Harry L. Moore	Vernon Seaton
Chas. B. Gentry	Herbert V. Moore	Leon J. Shaikun
Franklin Goins	J. Lee Moore	Jno. W. Simmons

Faust Y. Simpson	Thos. M. Swope	John L. Trumbo
George T. Smith	C. W. Taylor	S. J. Wagner
Robt. J. Spaulding	Egbert V. Taylor	Harry F. Walters
E. A. Spencer	Roy L. Taylor	R. E. West
Arthur Stallard	H. Thieman, Jr.	Taylor Witt
Geo. W. Steinford	Otis C. Thomas	Speaker Harry
Joe Stewart	E. B. Thompson	Lee Waterfield

Mr. Quill moved that the reading of the Journal of yesterday's proceedings be dispensed with.

Said motion was agreed to.

Mr. J. Lee Moore moved that the Rules governing the granting of privileges of the floor be suspended and that the privilege of the floor be extended to Mr. and Mrs. Stanley S. Dickson of Bourbon County.

Said motion was agreed to.

Mr. Howard moved that Master Charles Lee Theiman, son of The Honorable Henry Theiman, be appointed an Honorary Page of this House.

Said motion was agreed to.

A message was received from the Governor announcing that he would address a Joint Session of the House and Senate in the House Chamber from 1:30 to 2:00 P. M. on today, March 7.

Thereupon the Speaker appointed Messrs. Dorman, Herbert V. Taylor, Dyer, Linton and Hunt as a Committee to notify the Senate that the two Houses would convene in Joint Session at 1:30 P. M. and request that the Senate appoint a like Committee to wait upon the Governor and notify him that the two Houses would be convened in Joint Session at 1:30 P. M. to await his message.

Mr. Quill moved that the House recess until three o'clock P. M. at the time the Joint Session dissolves.

Said motion was agreed to.

Mr. Moser of the Committee on Enrollment reported that they had examined and found to be correctly enrolled, bills of the following titles, viz.:

H. B. 57. An Act to limit the number of hours the firemen of cities of the second class shall be required to be on duty.

H. B. 235. An Act pertaining to redevelopment corporations in cities of the first class.

H. B. 279. An Act providing to the payment of funeral or burial benefits in money etc.

H. B. 74. An Act relating to licenses for operators of motor vehicles.

H. B. 175. An Act relating to civil service for employees of cities.

H. B. 24. An Act relating to the plans of the Department of Highways and the fiscal courts for the use of funds allocated for the county roads and bridges.

H. B. 34. An Act relating to cemeteries for cities of the fifth and sixth classes.

S. B. 57. An Act authorizing the Commonwealth of Kentucky, Department of Highways, Counties and Municipalities to condemn land and materials for the construction and improvement of public roads and bridges.

Thereupon all other business was suspended and said bills were read at length and compared in open session and found to be correctly enrolled, and thereupon, the Speaker, in open session and in the presence of the House, affixed his signature thereto.

Ordered that the bill which originated in the Senate, be delivered to the Enrolling Clerk of the Senate.

Ordered that the Enrolling Clerk of this House deliver all bills which originated in this House to the Senate.

After a time the Enrolling Clerk aforesaid, delivered the original and enrolled copies of said bills, duly signed by the President of the Senate into the possession of the Chief Clerk of this House.

Ordered that the Chief Clerk deliver said bills to the Governor.

After a time the Chief Clerk reported that he had discharged that duty.

At the instance of the Committee on Rules, the following bills and resolutions were reported, viz.:

H. B. 348. An Act relating to compensation of county treasurers.

H. B. 356. An Act relating to fees of jailers.

H. B. 372. An Act relating to compensation for city officers of cities of the fifth class.

H. B. 402. An Act relating to distilled spirits.

H. B. 405. An Act relating to county tax commissioners.

H. B. 409. An Act relating to infectious and communicable diseases.

H. B. 412. An Act relating to Child Labor and Employment and Regulation of Employment of Infants.

H. Res. 4. A resolution authorizing the payment of a claim to J. F. Alsop.

H. Res. 16. Resolution relating to increase in tobacco allotments.

H. Res. 71. Resolution authorizing payment of claims to Union Bank and Trust Co. of Irvine.

H. B. 28. An Act relating to Department of Agriculture, Labor and Statistics.

H. Res. 72. Resolution for the benefit of W. Henry Grimes.

S. B. 12. An Act amending the Constitution by creating a new section relating to the qualification of voters.

S. B. 14. An Act relating to the preparation and delivery of tax bills for listed property and poll taxes.

S. B. 15. An Act relating to penalties to be imposed on certain officers for failure to discharge their duties.

S. B. 30. An Act to provide for payment of death, inheritance and other taxes etc.

S. B. 48. An Act relating to local health officers.

S. B. 49. An Act relating to the acquisition of electric power systems by municipalities.

S. B. 61. An Act repealing and re-enacting Sec. 489 of the Civil Code of Practice.

S. B. 62. An Act relating to State appropriations for county roads allocated among the several counties, etc.

S. B. 67. An Act relating to revenue and taxation.

S. B. 72. An Act relating to the collection of school taxes.

S. B. 83. An Act relating to fees sheriffs may charge and collect for certain services.

S. B. 93. An Act relating to commitment of incompetents etc.

S. B. 94. An Act relating to electors of President and Vice President of the United States, etc.

S. B. 97. An Act amending Sec. 422.090 KRS.

S. B. 98. An Act relating to lunacy inquests held by county courts.

S. B. 100. An Act relating to elections.

S. B. 104. An Act relating to the police and fire departments of cities of the fourth class.

S. B. 105. An Act to authorize the appointment of a special judge where a vacancy occurs or exists.

S. B. 109. An Act relating to the inspection of nurseries and nursery stock.

S. B. 111. An Act relating to taxation of Insurance Companies.

S. B. 119. An Act relating to contests of elections.

S. B. 121. An Act providing for the establishment of a juvenile court in all cities of their class which are not county seats, etc.

S. B. 122. An Act relating to drainage districts.

S. B. 123. An Act providing for the maintenance of county and municipal airports by Department of Highways.

S. B. 130. An Act relating to clerk of police court in cities of second class.

S. B. 133. An Act relating to the compensation of county treasurers.

S. B. 139. An Act requiring the Secretary of State to execute bond.

S. B. 141. An Act relating to inheritance taxes.

S. B. 143. An Act relating to cooperative marketing associations.

S. Res. 18. Resolution authorizing Edith Long, by statutory guardian or next friend, to sue the Commonwealth.

S. Res. 21. Resolution authorizing personal representative of Les Ward, deceased, to sue the Commonwealth.

S. Res. 23. Resolution authorizing Robert Lewis to sue the Commonwealth.

S. Res. 24. Resolution authorizing Floyd Arnett to sue the Commonwealth.

S. Res. 25. Resolution authorizing Richard Campbell to sue the Commonwealth.

S. Res. 26. Resolution authorizing Brent Hinton to sue the Commonwealth.

S. Res. 27. Resolution authorizing George Henderson to sue the Commonwealth.

S. Res. 28. Resolution authorizing James C. Ray to sue the Commonwealth.

S. Res. 29. Resolution authorizing Charles and Dorothy Bryant to sue the Commonwealth.

S. Res. 31. Resolution authorizing B. H. Kelley to sue the Commonwealth.

S. Res. 32. Resolution favoring the establishment of a Game Management Area by the Tennessee Valley Authority on the Kentucky Reservoir.

S. Res. 34. Resolution relating to the establishment of boundary lines between the counties of Barren, Hart and Edmonson.

With the expression of opinion that said bills and resolutions ought to pass.

Said bills and resolutions were each and severally read at length the first time and ordered to be placed on the Calendar.

The hour of one-thirty o'clock P. M. having arrived, the Senate of Kentucky appeared and in order entered upon the floor of the House of Representatives and The Honorable Kenneth Tuggle, Lieutenant Governor and President of the Senate, took the Chair and presided and The Honorable Harry Lee Waterfield, Speaker of the House of Representatives, having taken his seat on the right of the President of the Senate, the two Houses were convened in Joint Session

which was composed of a majority of all the members elected to each House.

There being no objection, the call of the roll of the Senate and House of Representatives in Joint Session was dispensed with.

After a time the Committees heretofore appointed on the part of the Senate and the House of Representatives, to wait upon the Governor, appeared upon the floor of the House with His Excellency, Simeon Willis, Governor of the Commonwealth of Kentucky, who, having taken his place at the Clerk's desk, addressed the General Assembly in Joint Session, as follows:

Lieutenant-Governor Tuggle, Mr. Speaker Waterfield, and Members of the General Assembly:

In a spirit of utmost good will, I come before you to suggest solutions of the pending problems. The program which I shall suggest to you is clear and uncomplicated with any collateral considerations. I ask nothing for myself or for any political party. I ask only that you serve the cause of education, and the welfare and institutions of the state, by providing ample pay for the teachers, ample protection for the wards of our Commonwealth, and provision to make secure the old age assistance now being given.

It is not too late for the General Assembly to enact a sound and constructive budget law. Despite all difficulties and obstructions, let us consider the reasonable course, with the sole desire to do right. In such a spirit, let us examine the situation existing, how it may be relieved, and the consequences of failure to meet the demands of the occasion.

In an address to you at the beginning of this session, a budget bill was presented with the request that first consider-

ation be given to it. I explained to you then that until that matter was settled nothing else could be settled. At the same time you were advised of my readiness to assist you, and to cooperate with you, in everything pertaining to the problem, and, on behalf of the administration, the services of every department of the government were offered to you. As you know, I had but the short period of one week after the Legislative Council dissolved within which to write the budget act and to prepare my original message to you. With the assistance of the Finance Department, and the Attorney General's office, the task was accomplished. My time for many days during the sessions of the Legislative Council was required to get the suspended work at the institutions resumed. The Council knew this fact, and the members were in accord with the work which had to be done, and had to be done then. In fact, the Legislative Council was so impressed by the seriousness of the situation, created by the stoppage of the work at the institutions, that they sent a committee to request me to act in the matter. I had, in fact, already acted and had completed my part of the task. The suspended work was quickly resumed, and is being prosecuted diligently. I worked with the Legislative Council in entire harmony, and a tentative budget was agreed upon without controversy. The tentative agreement as to every point was fully respected by me in completing the budget report, and in preparing the budget bill. The budget bill was referred to the Appropriations Committee of the House on the 12th of January. Hearings were conducted, and the Senate Committee participated in the hearings. The bill remained in that Committee until February 8th when it was reported to the House with certain amendments. The chairman of the Committee, Honorable J. Lee Moore, worked with me in complete harmony at all times. Some of my suggestions, made necessary by developments after the bill had been introduced were accepted and incorporated by Committee amendments in the bill reported. In the same spirit I cooperated with Chairman Moore and agreed

to the requests of the Committee given to me by the chairman in a letter dated February 5th, and delivered to me on February 7th. My assent was given in a letter on February 7th, and caused no delay whatever. It was my understanding, and it was Mr. Moore's understanding, as he stated it to me, that a majority of the members of the House Committee would adhere to the recommendations of the Committee, and oppose any new amendments that might be introduced from the floor. The bill was reported as stated on February 8th, and remained in the House until February 25th, when it was passed with several amendments added which were not acceptable to me. The Senate declined to remove the House amendments, and added other amendments which were even more objectionable. They had the effect of restricting the surplus fund for particular uses, and making it unavailable for the purpose of meeting the obvious requirements of the bill itself. They froze the surplus fund, except for the single purpose specified. Moreover, the Senate took out of the budget bill the contingency fund of a million dollars for each fiscal year, which was necessary to continue the rehabilitation of the institutions. The effect was to cut every appropriation to the new income. In my message to you on January 10th, I referred to this emergency fund of one million dollars, set up for each year, for the improvement of the institutions. The chief engineer had advised the Legislative Council that such a sum was urgently needed. Without it some of the improvements now in course of completion will be rendered useless, and will remain useless, until additional provision shall be made. The Senate amendments did not repeal or reduce the appropriations for the essential needs for the government, or for the educational program, or for the institutions, including Hazelwood, or for the old age assistance, or for the needy blind, or for the dependent children. What the Senate amendments did was to make it impossible to expend the money except in the way and for the purpose specified. It sealed up the surplus fund so that

the new income alone could be used to meet the appropriations for the recurring expenses of the government.

The estimated income is based on the best calculations that can be made, in advance, but the income may not be as high as we expect. The report published Saturday shows that a decline in revenue over the previous eight months period, as compared to the same months of the preceding year, amounted to $1,723,346.00 for the general fund, and $1,495,-309.00 for the state road fund. The warning thus given us can not be lightly brushed aside. The effect of the Senate amendments was to require a horizontal reduction of each appropriation, including the appropriation for the old age assistance, for the schools, and for the institutions. These appropriations were made upon the best information obtainable, to provide the irreducible minimum required to carry on the services. Under the Senate amendments, if the revenue did not revive and improve beyond all expectations, there would be a horizontal reduction of every appropriation. This would have deprived every one of the institutions and departments of that much of the money nominally appropriated for them. We are therefore confronted with the situation in which a new budget bill must be adopted or we must operate under the 1942 appropriation act for the last fiscal year. This will not carry with it the emergency appropriation of three million dollars for the rehabilitation of the institutions, including Hazelwood, because appropriations for extraordinary expenses and capital outlays are excepted from it. In this situation there would be no provision whatever for Hazelwood, and the improvements at Hazelwood would be useless until another appropriation could be made. The effect of the present situation, unless something is done immediately, will be to return us to the appropriation act for the fiscal year next preceding, limiting the schools to the same appropriation given that year, and depriving the institutions of any emergency aid.

I think it is entirely practicable for you to solve the problem. First, take the budget bill, as recommended by the Governor, with the amendments added by the House Committee on Appropriations, and assented to by the Governor; omitting entirely all amendments added by the House, and all amendments added by the Senate. This would carry out the full school program and take care of the institutional needs that are pressing.

Some apprehension seems to exist that additional funds may be needed for the old age assistance, aid to the needy blind, and aid to dependent children. This apprehension is not without some basis. Although no one knows, we are very hopeful that it will not be necessary. But, in order to provide for such an emergency, an emergency fund of $450,000.00, for each of the fiscal years, should be provided, to be used in case the emergency actually occurs, in order to maintain the present level of welfare assistance.

It is the purpose of this administration to economize and to save in every place that it is possible, but we can not in advance cut the appropriations. What we save will be carried to the surplus and will be available for use when it is needed in the operation of the government.

If the General Assembly is unwilling to accept this suggestion, and desires the present administration to go back to the last preceding budget, then, as an alternative, I suggest that you relieve the schools, the welfare program, and the institutions by special bills, as follows:

1. Adopt a bill appropriating the money to carry out the school program as presented in the budget report, with the amendments agreed to by the Governor and the Appropriations Committee of the House, without either of the amendments added in the House or in the Senate. This would take

care of the schools, and under the law it would supersede the budget act for the preceding year for the schools alone, and the old appropriation act would apply only to the other subjects of the appropriation not covered by the special act.

2. Create an emergency fund of one million dollars for each fiscal year for the prosecution of improvements at the institutions on the same terms as was provided in the last budget act, which set up three million dollars for that purpose. That would put into effect the provision stricken out of the budget act by the Senate. In either event, the emergency appropriation for old age assistance should be made.

Either of these suggestions is entirely practical, and if the members of the General Assembly will proceed at once to carry out these purposes there need be no difficulty whatsoever in accomplishing it. The members skilled in parliamentary law can find the way to do it.

When I appeared before you on January 10th I had expected that the budget bill would be promptly passed and that the various bills relating to the Highway Department, to the Attorney General's office, and to the Commissioner of Agriculture would be enacted. Some of these bills have been acted upon, but there are others which require further action by one or the other of the Houses, and in some instances by both branches of the Assembly. They are good bills which ought to be passed, and I hope you will enact them.

In view of the legislative situation that has existed for some time, I have not deemed it prudent or advisable to make further recommendations or to attempt to urge the passage of particular bills. For that reason I have not made any further recommendations regarding the various subjects mentioned in my first address. I have avoided the introduction of controversial subjects.

I trust that the selected leaders of this Assembly will aid in a solution of our problems. I believe you have the skill and the purpose to accomplish it. I thank all who have helped and cooperated, and commend them to their constituents.

Constant criticism is leveled at the Governor in order to arouse opposition, prejudice and resentment. You need not worry about that. Criticism based on facts may be helpful, but criticism manufactured and without basis in fact accomplishes no good. Let no such criticism discourage you. In my former message I set forth the main objectives for which I am striving, and for which I shall continue to strive while I am Governor. Such objectives can not be accomplished without the cooperation of the General Assembly, and the support of the people, and even then they can not be accomplished instantaneously. Your experience proves to you that improvement in administration and in the processes of government is one that must be accomplished by patient effort and constant trial. I have endeavored to work with every member of the Legislature, and have been available to every one of you at all times for assistance and consultation. I have not tried to impose my will upon any member, or upon the body, and I shall not attempt to do so. My purpose has been the long range one of accomplishing for Kentucky the improvement in government which is so much desired. I have been willing to share the credit for accomplishments with all who would help, regardless of party. The situation which now confronts us was not created by me. The solution is in your hands, and in your hands alone. The responsibility rests with you. I am ready, willing and anxious to cooperate and to give you every aid within my power. Nothing recommended in this message could possibly give a partisan advantage. It deals only with the vital business of the state. Every member should be concerned to see that the schools, the aged, and blind, and helpless, as well as the institutions, are properly financed and supported.

I appeal to you, regardless of party, to help solve these problems, and to give your best thought for the remainder of the session to work which is so important. Let us forget all extraneous issues, and concentrate all efforts upon the completion of our task. .In that spirit, and with such purpose we can not fail.

Mr. Quill moved that the Joint Session do now dissolve.

Without objection, said motion was agreed to.

And then the House recessed.

The hour of three o'clock P. M. having arrived, the Speaker resumed the Chair and called the House to order.

At the instance of the Committee on Rules, the House took up for consideration from the Calendar, a bill entitled:

S. B. 26. An Act to amend Sec. 147 of the Constitution, so as to permit persons to vote by filing ballot with county clerk.

Ordered that said bill be read the second time.

The Constitutional provision as to the second reading of said bill at length having been dispensed with, said bill was read the second time by its title only.

Ordered that said bill be placed in the Orders of the Day.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 363. An Act relating to fireworks.

Said bill is as follows, viz:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

§1. As used in this Act, "fireworks" includes any combustible or explosive composition, or any substance or combination of substances, or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detontation, and includes blank cartridges, toy pistols, toy cannons, toy canes, or toy guns in which explosives are used, the type of balloons which require fire underneath to propel the same, firecrackers, torpedoes, skyrockets, Roman candles, Daygo bombs, sparklers or other fireworks of like construction and any fireworks containing any explosives or flammable compound, or any tablets or other device, containing any explosive substance.

§2. Except as provided in Section 3 of this Act, no person shall shoot, discharge or explode any fireworks in any church, school or public building or upon the grounds upon which a church, school or public building is located, or upon any public street or highway, or in any public place.

§3. The provisions of Section 2 of this Act shall not prevent public display of fireworks by fair associations, amusement parks or municipalities, or by any organization or group in connection with a bona fide patriotic celebration. Nor shall the provisions of Section 2 of this Act prevent the use of fireworks by railroads or other transportation agencies for signal purposes or illumination, or the use of blank cartridges for a show or theater or for signal or ceremonial purposes in athletics or sports, or by any military organization.

§4. Any person who violates any of the provisions of Section 2 of this Act shall be fined not less than ten dollars nor more than one hundred dollars.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

Chas. W. Anderson
Henry Arrowood
Isaac Blevins
Douglas T. Bolling
J. C. Bradley
Jno. W. Burkhart
Chas. W. Burnley
C. D. Call
Fred Carpenter
Willis Champion
Marvin Cornett
John Henry Cox
John P. Craig
Fred Creasey
Thomas S. Dawson
J. R. Dorman
T. H. Dyer
Bernie S. Edlin
Harry W. Ennis
Dr. J. C. Gabbard
Chas. B. Gentry
J. D. Gross
R. M. Hall
Jas. P. Hallahan
Claude Hammons
B. C. Holbrook
Benton Howard
Jerry F. Howell
W. N. Hughes
W. H. Hunt
Lee Johnson
Wm. E. Justice
H. Clay Kauffman
M. Kavanaugh
G. M. Knuckles
J. T. Linton
Pearl McKinney
Herbert V. Moore
L. D. Moore
W. B. Moser
C. Sid Nabb
Chester Peterson
Albert W. Pfeiffer
Sylvester Phillips
J. Gip Prather
Kleber F. Price
James E. Quill
C. R. Reeves
L. Allen Rhoads
Amos Runyon
Carl Scheben
F. W. Schuhmann
Vernon Seaton
Jno. W. Simmons
George T. Smith
E. A. Spencer
Arthur Stallard
Thos. M. Swope
C. W. Taylor
Egbert V. Taylor
Roy L. Taylor
S. J. Wagner
R. E. West
Taylor Witt

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Those who voted in the negative were—

F. H. Bassett, Jr.	Harry L. Moore	Leon J. Shaikun
A. Roy Copeland	Coy C. Nevitt	Robt. J. Spaulding
Franklin Goins	Joe E. Nunn	Geo. W. Steinford
Clyde S. Howard	H. C. Patterson	Joe Stewart
J. J. Huff	James T. Philpott	Otis C. Thomas
Paul S. Jònas	L. W. Preston	E. B. Thompson
A. L. Love	Edw. P. Prichard	
Johnston Miller	H. G. Royalty	—22

Resolved that the title thereof be as aforesaid.

Mr. Quill moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 307. An Act to promote the public welfare, comfort, health and safety by providing supplemental transportation along highways, which have no sidewalks, for children attending school in compliance with the compulsory school attendance laws.

With a committee amendment thereto.

Said bill is as follows, viz:

WHEREAS, the safety of all children is greatly endangered by their walking along highways without sidewalks to and from school and their health is greatly endangered in inclement weather;

WHEREAS, such bus transportation is now furnished to children attending the common schools and can be furnished

with little or no additional cost to children attending schools other than common schools under the compulsory school attendance laws of the Commonwealth of Kentucky and travelling the same routes:

WHEREAS, the cost of present bus transportation to the common schools is paid out of school funds, but the cost of transportation to other schools approved under the compulsory school attendance laws, can legally be paid from general funds only,

NOW, in order to facilitate their compulsory attendance at some school and to give aid and protection to children on the highways.

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

Each county shall furnish transportation from its general funds, and not out of any funds or taxes raised or levied for educational purposes or appropriated in aid of the common schools, to supplement the present school bus transportation system for the aid and benefit of all pupils of elementary grade attending school in compliance with the compulsory school attendance laws of the Commonwealth of Kentucky who do not reside within reasonable walking distance of the school they attend and where there are no sidewalks along the highway they are compelled to travel; and any county may provide transportation from its general funds to supplement the present school bus transportation system for the aid of any pupil of any grade who does not live within reasonable walking distance of the school attended by him in compliance with the compulsory school attendance laws and where there are no sidewalks along the highway he is compelled to travel.

Said Committee amendment is as follows, viz:

Amend H. B. 307 on page 2, section 1, line 1, by striking the word "shall" and inserting in lieu thereof the word "may."

Said amendment was agreed to.

Mr. Simpson moved that debate on said bill be limited to thirty minutes for the opponents and thirty minutes for the proponents of said bill.

Said motion was agreed to.

Mr. Prichard moved the Previous Question.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with, and the same having been engrossed, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

Chas. W. Anderson	Thos. S. Dawson	B. C. Holbrook
Henry Arrowood	Adron Doran	Benton Howard
Douglas T. Bolling	T. H. Dyer	Clyde S. Howard
Chas. W. Burnley	Bernie S. Edlin	Jerry F. Howell
Fred Carpenter	Harry W. Ennis	Lee Johnson
A. Roy Copeland	R. M. Hall	Paul S. Jonas
John Henry Cox	Jas. P. Hallahan	H. Clay Kauffman
John P. Craig	Claude Hammons	M. Kavanaugh

G. M. Knuckles	L. W. Preston	George T. Smith
J. T. Linton	Kleber F. Price	Geo. W. Steinford
Homer E. Losey	Edw. P. Prichard	C. W. Taylor
A. L. Love	James E. Quill	Egbert V. Taylor
C. C. May	Wade H. Riley	Roy L. Taylor
J. Lee Moore	H. G. Royalty	Otis C. Thomas
W. B. Moser	Carl Scheben	E. B. Thompson
C. Sid Nabb	F. W. Schuhmann	S. J. Wagner
Jno. C. Newcomb	Vernon Seaton	Taylor Witt
Chester Peterson	Leon J. Shaikun	
Albert W. Pfeiffer	Faust Y. Simpson	—55

Those who voted in the negative were—

Isaac Blevins	W. H. Hunt	C. R. Reeves
J. C. Bradley	Pearl McKinney	Amos Runyon
C. D. Call	Johnston Miller	Robt. J. Spaulding
Willis Champion	Harry L. Moore	E. A. Spencer
Marvin Cornett	L. D. Moore	Arthur Stallard
Dr. J. C. Gabbard	Coy C. Nevitt	Thos. M. Swope
Chas. B. Gentry	Sylvester Phillips	John L. Trumbo
J. J. Huff	J. Gip Prather	R. E. West
		—24

Resolved that the title thereof be as aforesaid.

Mr. Quill moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

A message was received from the Senate announcing that they had passed bills which originated in that body, entitled:

S. B. 77. An Act relating to juries.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 29.030 of the Kentucky Revised Statutes is amended to read as follows:

(1) The following persons shall be exempt from service on any jury:

(a) County road overseers.

(b) Dentists.

(c) Members of the Board of Commissioners of the Kentucky School for the Deaf.

(d) Members of boards of education.

(e) Members of the board of aldermen of cities of the first class.

(f) Members of the general council of cities of the second class.

(g) Members of the police force of cities of the first class.

(h) Members and employes of the fire department of cities of the first class.

(i) Officers and servants of the state charitable and correctional institutions.

(j) Officers and enlisted men of the National Guard.

(k) Registered pharmacists while engaged in any store for retailing drugs, medicines or poisons.

(l) Superintendents, principals, teachers and other employes of boards of education, during the term of their contract with the board of education.

(m) Women.

(2) The following persons shall be exempt from service on a petit jury:

(a) Cashiers and tellers of banks, or those supplying their places for the time.

(b) Civil officers, except notaries public.

(c) Depot agents of railroads.

(d) Embalmers and funeral directors.

(e) Ministers of religious societies.

(f) Persons more than seventy years of age.

(g) Physicians and surgeons.

(h) Practicing attorneys.

(i) Retail druggists.

(j) Telegraph operators.

(k) Transient persons.

(3) Volunteer members of fire companies in cities of the fourth class shall be exempt from service on juries in the police court.

§ 2. Section 29.050 of the Kentucky Revised Statutes is amended to read as follows:

(1) Except as provided in KRS 29.090, the circuit judge of each county shall, at the first regular term of circuit court each year, or, in the case of courts of continuous session, at some time during the month of January each year, appoint, as jury commissioners for one year, three intelligent and discreet housekeepers of the county over twenty-one years of age, resident in different portions of the county, having no action in court requiring the intervention of a jury, and who have not served as jury commissioners in the past year. They

shall be sworn in open court to faithfully discharge their duty. If any commissioner cannot serve or cannot complete his service, the judge may appoint another person of like qualifications in his place.

(2) The commissioners shall meet at such time, promptly after their appointment, as will enable them to complete their duties not less than five days before the date specified by KRS 29.130 for drawing jury lists for the next term of court, or, in the case of courst of continuous session, not less than five days before the first Monday of the month following the month in which they are appointed. The commissioners shall remain in session not longer than five days, except that in counties having a population of more than fifty thousand they may remain in session ten days. They shall hold their meetings in a room designated by the judge. While engaged in making lists of juries, selecting the names and writing, depositing or drawing them from the drum, no person shall be permitted in the room with them except that the jury commissioners of courts of continuous session may select a typist to aid them in the performance of their duty, who shall be sworn in open court to faithfully discharge his duties and who shall be in attendance on the commissioners in session. Such typist shall be compensated at the same rate as the commissioners, and his compensation shall be allowed and paid by the fiscal court.

§ 3. Section 29.070 is amended to read as follows:

(1) The jury commissioners shall take the last returned tax commissioner's book for the county and from it shall carefully select from the intelligent, sober, discreet and impartial citizens, resident housekeepers in different portions of the county, over twenty-one years of age, the following number of names of such persons:

(a) In counties having a population of ten thousand or less, not less than one hundred and sixty-two nor more than two hundred.

(b) In counties having a population of more than ten thousand and not more than twenty thousand, not less than one hundred and sixty-two nor more than three hundred.

(c) In counties having a population of more than twenty thousand and not more than fifty thousand, not less than five hundred nor more than six hundred.

(d) In counties having a population of more than fifty thousand and not more than one hundred thousand, one thousand.

(e) In counties having a population of more than one hundred thousand, and its circuit court divided into branches, two thousand for each division of the court requiring the services of a jury.

(2) They shall place the name, and in counties containing a city of the first, second or third class, the address, of each person so selected, on a small slip of paper, each slip being as near the same size and appearance as practicable. In counties having courts of continuous session in which the commissioners have employed a typist, the typist shall type the names on the slips; in other counties the commissioners shall write the names on the slips in plain handwriting. Each slip shall be by them enclosed in a small case and deposited, unsealed, in a revolving drum, but before depositing any of the slips in the drum they shall carefully examine its contents and remove and destroy any slips found therein.

(3) The slips of paper upon which are written the names of persons placed by the commissioners upon the lists of grand and petit jurors shall be destroyed by the commissioners as soon as the names are recorded on the list.

§ 4. Section 29.080 of the Kentucky Revised Statutes is amended to read as follows:

(1) When the commissioners have completed the filling of the drum, they shall lock the drum and deliver it and the key, and all slip cases not used, to the judge of the circuit court for which the drum has been filled, who shall deliver the drum and the slip cases to the circuit clerk in open court and at the time administer to him and his deputies the following oath: "You do solemnly swear that you will not open this drum except in open court under the direction of the judge of this court, and that you will not open the sealed envelopes containing the lists of petit (or grand and petit jurors, as the case may be), for the session of this court to be held in the month of in the year of , until the time fixed by law; that you will not, directly or indirectly, converse with any one selected as a petit juror concerning any suit for trial in this court, at its next term, unless by leave of court." If the clerk subsequently, in vacation, appoints a deputy he shall administer to him a like oath.

(2) No person, except as authorized by statute, shall open, unlock or break into, or in any way willfully injure the drum or lock, or willfully open or break the seal of an envelope containing jury lists.

§ 5. Section 29.090 of the Kentucky Revised Statutes is amended to read as follows:

(1) Circuit courts divided into two divisions shall have four commissioners, two to be appointed by the judge of each division. They shall meet together and shall have only one drum, except as provided in subsection (2) of this section.

(2) In counties having circuit courts of continuous session in which the court is authorized to hold part of its sessions in a city of the second class not the county seat, the court shall have one drum for use at the county seat and another for use at the city of the second class. The commissioners shall meet at the county seat and select not less than 125 nor more than 150

names, and place them in the drum as provided in KRS 29.070, and shall then meet at the city of the second class and select one thousand names, and place them in the drum as provided in KRS 29.070.

(3) Circuit courts divided into more than two divisions shall have one commissioner for each division requiring the services of a jury, the judge of each such division to appoint one commissioner. They shall meet together and shall have a separate drum for each such division.

(4) No grand jury shall be made or grand jurors drawn for any other than the criminal branch of a circuit court having branches.

§ 6. Section 29.130 of the Kentucky Revised Statutes is amended to read as follows:

(1) At each term of circuit court, of circuit courts having terms, the judge shall, in open court, draw from the drum a sufficient number of names to procure the names of twenty-four persons qualified to act as grand jurors, record the names of the twenty-four qualified upon paper, certify and sign it. The judge shall then, after having locked and revolved or shaken the drum, reopen it and draw therefrom the names of not less than thirty nor more than thirty-six persons, in the discretion of the judge, to act as petit jurors, record their names on paper, certify and sign it. Sessions of a court having continuous session held at the county seat of a county in which there is a city of the second class at which part of its sessions are authorized to be held shall be deemed terms of court within the meaning of this section.

(2) In courts of continuous session, except the courts in counties containing a city of the first class, the judge of the court, or if the court has branches the judge of the criminal branch, shall, in open court, on a day one week next before the day upon which they shall be summoned to appear, draw from

the drum a sufficient number of names to procure twenty-four persons qualified to act as grand jurors, record the names of the twenty-four qualified upon paper, certify and sign it. In such courts the judge of the court, or if the court has branches the judge of each division requiring the services of a petit jury, shall, in open court, every two weeks, on a day one week next before the day upon which they shall be summoned to appear, draw from the drum the names of not less than thirty nor more than thirty-six persons to act as petit jurors, record their names on paper, certify and sign it. In such courts the names of all persons drawn as grand and petit jurors shall be publicly announced when drawn, and entered of record in the order drawn.

(3) In courts of counties containing a city of the first class, the judge of the criminal branch shall, on a day one week next before the day on which they shall be summoned to appear, draw from the drum a sufficient number of names, in the discretion of the judge, to procure a sufficient number of persons qualified to act as grand jurors, and shall make a written record thereof, which he shall certify and sign. In such courts the judge of each division requiring the services of a petit jury shall, every two weeks, on a day one week next before the day upon which they shall be summoned to appear, draw from the drum a sufficient number of names, not to exceed sixty, in the discretion of the judge, to procure twenty-four persons qualified to act as petit jurors. The clerk of the court or the official stenographer, as directed by the court, shall prepare a record thereof on paper, which shall be certified and signed by the judge.

(4) In courts of continuous session, if the day on which the drawing is prescribed to be done is a holiday, the judge shall draw the names on the following day.

(5) The judge shall destroy the slips on which are written the names placed on the lists as soon as the names are recorded

on the lists. If in drawing the grand jurors the name of a person not having the qualifications of a grand juror is drawn, it shall be forthwith returned to the drum, and if at any drawing the name of a person temporarily disqualified is drawn, it shall be replaced in the drum, but if the name of any person permanently disqualified for any jury service is drawn, the slip on which it is written shall be destroyed.

(6) From the list of names of persons qualified to act as grand jurors, the next grand jury shall be drawn, and from the list of names of persons qualified to act as petit jurors, not less than twenty-four nor more than thirty jurors shall be selected, in the discretion of the judge, to constitute the regular panel of the next petit jury.

§ 7. Section 29.140 of the Kentucky Revised Statutes is amended to read as follows:

(1) In courts having terms, the judge shall place the lists in separate envelopes, of good paper, seal and endorse them so as to show that the envelopes contain jury lists, and the month and the term for which the jurors are selected and the date of selection, and sign his name across the seal of each. Immediately after drawing the names from the drum the judge shall lock the drum. The judge shall deliver the lists and the drum to the clerk, at the same time administering to the clerk and his deputies the oath prescribed in subsection (1) of KRS 29.080.

(2) In courts of continuous session the procedure shall be the same as prescribed in subsection (1) of this section for courts having terms, except as follows:

(a) In counties other than those containing a city of the first class the judge need not place the lists in a sealed envelope, but may deliver the lists openly to the clerk, and omit from the oath administered to the clerk any reference to opening the lists.

(b) In counties containing a city of the first class the judge may, in his discretion, retain possession of the drum, and in lieu of the oath prescribed in subsection (1) of KRS 29.080 shall administer to the clerk and his deputies the following oath: "You solemnly swear that you will not open the envelope containing the list of petit (or grand or petit jurors, as the case may be) jurors, until the time fixed by law; that you will not directly nor indirectly converse with anyone summoned as a grand juror or petit juror concerning any suit for trial in this court at its next term, unless by leave of court, so help you God." In counties containing a city of the first class neither the clerk nor the sheriff shall disclose to any person, other than those prescribed by law, any name or information concerning the name of any person who may be summoned as either a grand juror or a petit juror.

§ 8. Section 29.170 of the Kentucky Revised Statutes is amended to read as follows:

(1) The clerk of each circuit court shall make fair copies of the jury lists and deliver them to the sheriff in sufficient time to enable him to summon the jurors by the time hereinafter specified, except that in courts where the jury lists are required to be delivered to the clerk in sealed envelopes the clerk shall not open the envelope for such purpose more than twenty days before the date on which the grand and petit jurors are required to attend. The sheriff shall, at least three days prior to the date in which they are required to attend, summon the persons to attend, grand jurors on the first and petit jurors on the second day of the term, except that in courts of continuous session the jurors shall be summoned to attend on the first Monday in the month for which they were drawn or on such day as is ordered by the judge. The officer shall summon such persons by giving to each one found personal notice, and to each one not found by leaving a written notice at the juror's place of residence with some member of his family over sixteen years of age. The lists shall be returned by the sheriff on the first day

of the term, or in courts of continuous session on the day to which the jurors are summoned, with a certificate thereon of the date and manner in which each juror was summoned. From these lists, respectively, the regular panels of the grand and petit juries shall be selected in the order in which their names appear thereon.

(2) No sheriff or other officer shall, corruptly or through favor or ill will, summon a petit juror with intent that the juror shall find a verdict for or against either party, or summon a grand juror from the like motives, with intent that the grand juror shall or shall not find an indictment against any particular individual.

S. B. 140. An Act relating to juries.

Said bill is as follows, viz:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (1) of section 29.390 of the Kentucky Revised Statutes is amended to read as follows:

(1) Grand jurors and petit jurors in circuit court shall each be paid three dollars per day for jury service. Persons whose names are on the jury list for jury service in circuit court, or are summoned under KRS 29.280 to supply a deficiency, who appear in person in court response to summons, who reside outside the corporate limits of the city in which the court sets, and who do not claim exemption or ask to be relieved from jury service, shall receive three dollars per day for each day they are required to be and are in attendance, even though they are not sworn or accepted for jury service.

S. B. 147. An Act to amend and re-enact Sections 97.470, 97.430 Kentucky Revised Statutes, 1942 Edition, pertaining to

the Secretary and Treasurer of Boards of Park Commissioners in Cities of the Second Class.

Said bill is as follows, viz:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 97.430 of the Kentucky Revised Statutes 1942 Edition, be and the same is hereby amended and re-enacted so that when so amended and re-enacted said section shall read as follows:

"97.430 (3235b-6) Compensation of Secretary and Treasurer; members not to receive pay or hold other office.

The secretary and treasurer of each board may receive an annual salary of not over five hundred dollars, to be fixed by the board and paid out of the fund appropriated for park purposes. The members of the boards shall receive no compensation for their services as members, but a member who is elected secretary and treasurer of his board may receive the compensation authorized by this section for his services as such. No member of either board may hold any office, appointment or employment under the city or any department or institution of the city."

Section 97.470 Kentucky Revised Statutes, 1942 Edition, is amended to read as follows:

"97.470 (3235b-12; 3235b-13) Appropriations for park purposes; separate funds for white and colored park boards.

(1) The city may appropriate a sufficient sum to provide for the purchase, care and improvement of public parks, and to meet the expenses of the boards of park commissioners, and may maintain public parks out of the city funds to the same extent as it is authorized to maintain other public property.

(2) Two funds in whatever amounts the city legislative body deems sufficient for the care and maintenance of public parks may be annually appropriated for that purpose, and each shall be held by the Secretary and Treasurer of the Park Board in a separate and distinct account, and a Secretary and Treasurer shall be appointed by each of such Park Boards, who shall pay out the money only upon an order issued by the board of park commissioners for which Secretary and Treasurer is serving, which order shall be signed by the Secretary and Treasurer and countersigned by its President, and after a bill for the withdrawal has been approved by the board at session assembled. In no event shall the secretary and treasurer honor in any one year orders for a greater sum than the amount appropriated for park purposes.

S. B. 145. An Act amending Sec. 393.100 KRS.

Said bill is as follows, viz:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That Section 393.100 of the Kentucky Statutes, 1942, be and the same is hereby amended and re-enacted, so that as amended and re-enacted, said section, shall read as follows, to-wit:

Any property paid into any court of this state for distribution and the increments thereof, shall be presumed abandoned if not claimed within five years after the date of payment into court or as soon after the five year period, as all claims filed in connection with it, have been disallowed or settled by the Court. Provided, however, that any property paid into any court of this state for distribution and the increments thereof, which may be presumed abandoned as provided in this act and which shall have been recovered or procured upon the relationship or through the instrumentality of any municipality of this

state, shall revert to the General Fund of such municipality and at any time after the five-year period has expired, after the date of the payment into the court, the municipality may by petition filed against the custodian of such funds, in the court in which said property is located, request the payment thereof to said municipality and the Judge of said court shall order the Custodian thereof, to pay the entire sum to said municipality. Provided, further that before entering judgment, ordering said sum so paid, the court shall require that notice be published at least once in a newspaper of general bona fide circulation in the County, stating the intention of the court to award such sum to the municipality and final judgment shall not be entered, until 15 days shall have elapsed from the date of such publication. At any time prior to the final judgment, the court may consider any bona fide claims made by claimants to said property or any part thereof. However, thereafter, any and all claimants shall be forever barred therefrom.

Ordered that said bills be printed and referred

To Committee on Rules.

And that they had passed bills which originated in this House, entitled:

H. B. 266. An Act relating to the city manager form of government for cities.

H. B. 256. An Act pertaining to motor carriers.

H. B. 267. An Act providing for the issuance of summons and warrants of arrest in police courts of cities of the second class.

H. B. 222. An Act relating to police or fire departments for cities of the fourth class.

Ordered that said bills be delivered to the Enrolling Clerk of this House.

And that they had passed bills which originated in this House entitled:

H. B. 166. An Act relating to the parole of prisoners.

With an amendment thereto as proposed and adopted by the Senate.

H. B. 236. An Act authorizing cities of the first class to regulate the parking of motor vericles in streets.

With an amendment thereto as proposed and adopted by the Senate.

Ordered that said bills with amendments thereto be laid on the Clerk's Desk.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 317. An Act relating to public libraries.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. *Definitions:* As used in this Act, unless the context requires a different meaning:

(1) "Governmental unit" means any county or city;

(2) "Legislative body" means the governing body of a governmental unit; and

(3) "Library" means a free public library supported in whole or in part with money derived from taxation, and governed by a board as provided for in Section 5 of this Act.

Section 2. *Furnishing of Library Service; Methods:* Any governmental unit with a minimum assessed valuation of $5,000,000 may provide library service for its inhabitants according to any one of the following methods:

(1) The legislative body on its own initiative may establish an independent library.

(2) Upon receipt of a petition signed by a number of taxpayers equal to five (5) per cent of the number of votes cast for officers in the last general election of such governmental unit, the legislative body shall submit the question to a vote at the next general election. If a majority of those voting on the question vote in favor of the proposition, the legislative body shall forthwith establish a library, except as provided in subsection (4) of this section.

(3) The legislative bodies of two or more adjacent counties may on their own initiative, or upon a petition and vote in each county as provided in subsection (2) above, or upon the initiative of some legislative bodies and petition and vote in others, join in establishing and maintaining a regional library, provided the aggregate assessed valuation of the property assessable for local taxation in such counties is a minimum of $10,000,000, and subject to the provisions of Section 3 of this Act.

(4) The legislative body of any governmental unit may on its own initiative contract to receive service from an existing nearby library, the library of a nearby institution of higher learning, the State Library Extension Division, or from a nearby library not owned by a governmental unit but which provides free service, each of these having reciprocal power to render the service. In the event of a petition and

vote as provided by subsection (2), a legislative body shall have the privilege of providing library service by contract in lieu of establishing an independent library.

When any one of the above methods has been complied with, the legislative bodies of the governing units shall at once make the necessary appropriation or levy to establish and maintain such library service annually and perpetually.

Section 3. *Regional Library:* The establishment of a regional library shall be by contract, in writing, by the legislative bodies of the counties. The expenses of the regional library shall be apportioned between the contracting parties concerned in proportion to the taxable property of each as shown by their respective assessments and as shall be agreed upon in the contract. The treasurer of one of the counties, as provided in the contract, shall have the custody of the funds for the regional library; and the treasurers of the other counties concerned shall transfer to him as collected all the moneys received for public library purposes and interest from library funds in their respective governmental units. The contract for a regional library shall continue in force for a period of five (5) years and no county shall be permitted to withdraw without the consent of all the other participating counties during the five (5) year period. If the legislative body of a county decides to withdraw from a regional library contract, it shall be entitled to a division of the property on the same basis as its contributions, such division being completed within six (6) months from the withdrawal date. If no unit withdraws, at the end of the five (5) year period, the contract shall continue in force for a like period.

Section 4. *Contract Service:* A contract for library service made pursuant to subsection (4) of Section 2 shall require the existing library to perform all the functions of a library within the governmental unit wanting service. Such contracts shall not be valid nor shall funds be obligated until the con-

tracts are approved in writing by all the contracting parties and have been certified by the Library Extension Division as providing standard library service for the sum specified. Initial contracts shall be for two (2) years or longer, subject to renewal. The board of trustees of a regional library shall have the same power to contract for library service as is given to a legislative body in subsection (4) of Section 2.

Section 5. *Board of Trustees; Appointment; Removal:* The management and control of a library shall be vested in a board of trustees. In cities of the first class the board shall consist of twelve (12) trustees and the mayor. In other cities and counties the board shall consist of five (5) members. In a library region there shall be five (5) members except if the number of counties exceeds five (5) there shall be one trustee from each county in the region.

Within thirty days after the establishment of a library has been authorized by any of the methods authorized by Section 2 of this Act, a library board shall be appointed. In cities the trustees shall be appointed by the mayor and in counties they shall be appointed by the county judge. In a regional library district the trustees shall be appointed by the joint action of the judges of the respective counties or as may be agreed upon by contract. In any region in which there are four (4) or less counties, provision shall be made in the contract for rotation of members and an equitable adjustment of terms. If a region consists of an even number of counties, the trustees appointed by the judges of the respective counties shall appoint an additional trustee whose term of office shall be four (4) years and whose successor shall be appointed by the trustees in office at the time of expiration of such term. Trustees shall be appointed from the governmental unit at large with special reference to their fitness for such office. Members of the board shall be appointed as follows: two (2) members for two (2) years, one (1) member for three (3)

years, and two (2) members for four (4) years respectively, and thereafter trustees shall be appointed to serve four (4) years. In cities of the first class, the board of trustees shall be appointed for four year terms except that the original appointees shall be so appointed that the terms of three members shall expire each year. Vacancies shall be filled for the unexpired terms as soon as possible in the same manner as the original appointments.

A library trustee shall not receive a salary or other compensation for services as a trustee. Before entering upon the duties of his office, a trustee shall take oath that he will faithfully discharge his duties. No board shall employ as a member of its library staff any member of the board or any person related closer than a second cousin to any member of the board. No person is eligible to this office who is directly or indirectly interested in the sale to the library of books, magazines, supplies, equipment, materials, fire insurance or services for which library funds are expended.

A library trustee may be removed only by vote of the legislative body of the respective governmental unit from which he was appointed.

Section 6. *Board of Trustees; Organization, Powers and Duties:* The board of trustees shall constitute a corporate body with perpetual succession. Within ten (10) days after their appointment the appointive officer shall call a meeting of the library board to organize by the election of such officers as they deem necessary and meet regularly thereafter once each month. If the appointive officer does not call a meeting the trustees may do so on their own initiative.

They shall adopt such by-laws, rules and regulations for their own guidance and for the government of the library as they deem expedient; have the supervision, care and custody of all property of the library including its quarters or buildings; employ a librarian and upon his recommendation em-

ploy such other assistants as may be necessary, all in accordance with the statutes relating to the certification of librarians and the rules and regulations adopted by the board pursuant thereto, and fix the compensation of librarians or assistants employed and remove them for cause; submit annually to the legislative body a budget containing estimates in detail of the amount of money necessary for the library for the ensuing year; allot funds for the purchase of books, periodicals, maps and supplies for the library; and do all other acts necessary for the orderly and efficient management and control of the library.

They may accept such gifts of money or property for library purposes as they deem expedient; lease or purchase land for library buildings; lease, purchase or erect an appropriate building or buildings for library purposes and acquire such other property and equipment as may be needed therefor; and enter into contracts for library service with other library boards and as provided for in subsection (4) of Section 2.

Section 7. *Funds:* After the legislative body of a governmental unit has made provisions for library service according to any of the methods set forth in Section 2 of this Act, the legislative body shall appropriate money annually to furnish such service. In cities of the first class, or library regions of comparable population, it shall not be less than three (3) cents, nor more than ten (10) cents on each one hundred dollars ($100.00) worth of property assessed for local taxation. In all other governmental units it shall be not less than five (5) cents nor more than fifteen (15) cents on each one hundred dollars ($100.00) worth of property assessed for local taxation. It may be a special levy if the constitutional limit has not already been levied or this amount included in the general tax levy. In the event the constitutional limit has already been exceeded, the appropriation shall be in proportion to other appropriations as their respective statutes provide.

All funds for the library shall be deposited monthly to the credit of the library board. These funds shall not be used for any but library purposes. The treasurer of the library board shall be required to execute bond with good and sufficient surety thereon for the faithful performance of his duties, the amount of the bond to be fixed by the board. If the bond has a corporate surety the premium shall be paid from the library fund. The board shall have exclusive control of expenditures, subject to an examination of accounts as may be required by the legislative body, and money shall be paid only upon vouchers approved by the board. The board shall not make expenditures or incur indebtedness in any year in excess of the amount of money appropriated and available for library purposes, except where a library board is the owner of real estate not used for library purposes, in which case they may borrow money secured solely by that property. Principal and interest on indebtedness on real estate owned by a library board not used for library purposes is not chargeable to the library funds derived from taxation.

Section 8. *Annual Report:* At the close of its fiscal year the board of trustees of every library shall make a report to the legislative body of the governmental unit wherein the board serves, showing the condition of its trust during the year, the sums of money received for the library fund, the sums of money expended and the purposes of the expeditures, the number of books and bound periodicals on hand, the number added during the year, the number discarded, the number lent, and such other statistics and information and such suggestions as they deem of public interest. A report shall also be filed with the Library Extension Division of the Department of Library and Archives at Frankfort, Kentucky, upon forms supplied by said Division.

Section 9. *Free Use of Libraries:* Every library established or maintained under this Act shall be free for the use of the inhabitants of the governmental unit in which it is

located, subject to such reasonable rules and regulations the trustees find necessary.

Section 10. *Title to Property and Money:* The title to money or property given to or for use or benefit of a library shall be vested in the board of trustees, to be used according to the terms of the gift. Should a library be closed or services discontinued, it shall be the duty of the governmental unit to hold all library property and funds received by gift in trust to be used for library purposes, unless the terms of the gift permit use for other purposes.

Section 11. *Status of Existing Libraries:* Any free public library established after the effective date of this Act shall be established as provided in this Act. Every existing public library which has been heretofore established under provisions of state law shall be considered as operating under the authority of this Act. Every existing contract for library service shall continue until the contract be terminated or a library be established by the governmental unit for which the service was engaged. The provisions of this Act shall be construed as superseding the provisions of any municipal charter in conflict herewith.

Section 12. *Retirement:* The governing board of any tax supported library, created or existing under the laws of Kentucky, which has not less than two (2) full time employees, may provide for their retirement with annuities; may adopt the American Library Association retirement plan; or make any other provisions for the retirement of its employees.

Section 13. Sections 172.010 to 172.095; Sections 173.010 to 173.100; Sections 173.110 to 173.150; Sections 173.160 to 173.290 of the Kentucky Revised Statutes, 1942, are hereby repealed.

Mr. Rhoads offered the following amendments thereto, viz.:

1. Amend H. B. 317 on page 1, section 1, line 3 after the word "city" by adding the following: "except a city of the first class and county containing a city of the first class."

2. Amend H. B. 317 on page 1, section 3, line 8 by adding after the word "Act" the following: "excluding a city of the first class and a county containing a city of the first class."

3. Amend H. B. 317 on page 3, section 5, line 3 by striking the entire sentence beginning with the words "In cities of the first class."

4. Amend H. B. 317 on page 4, section 5, line 4 by striking the word "other."

5. Amend H. B. 317 on page 4, section 5, line 26-29 by striking the entire sentence beginning with words "In cities etc." in line 26 and ending with the word "year" in line 29.

6. Amend H. B. 317 on page 6, section 7, line 4 and 5 by striking the words "cities of the first class or" and also by striking the words "of comparable populations"

7. Amend H. B. 317 on page 8, section 11, line 4 after the word "law" and before the word "shall" by inserting the following "except a city of the first class and a county containing a city of the first class."

8. Amend H. B. 317 on page 8, section 13, line 1 by striking "172.095; Section 173.010 to 173.100" and inserting in lieu therefor "172.090."

Said amendments were each and severally agreed to.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with, and the same having been engrossed, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	W. H. Hunt	Kleber F. Price
Henry Arrowood	Lee Johnson	James E. Quill
F. H. Bassett, Jr.	Paul S. Jonas	C. R. Reeves
J. C. Bradley	M. Kavanaugh	L. Allen Rhoads
Jno. W. Burkhart	J. T. Linton	H. G. Royalty
Chas. W. Burnley	Homer E. Losey	Amos Runyon
C. D. Call	A. L. Love	F. W. Schuhmann
Fred Carpenter	Pearl McKinney	Vernon Seaton
John H. Clarke, Jr.	Johnston Miller	Leon J. Shaikun
A. Roy Copeland	Harry L. Moore	Jno. W. Simmons
John P. Craig	Herbert V. Moore	George T. Smith
Thos. S. Dawson	J. Lee Moore	Robt. J. Spaulding
J. R. Dorman	L. D. Moore	Arthur Stallard
Dr. J. C. Gabbard	W. B. Moser	Geo. W. Steinford
J. D. Gross	C. Sid Nabb	Joe Stewart
Jas. P. Hallahan	Jno. C. Newcomb	Egbert V. Taylor
Claude Hammons	Joe E. Nunn	H. Thieman, Jr.
B. C. Holbrook	H. C. Patterson	John L. Trumbo
Benton Howard	Chester Peterson	S. J. Wagner
Clyde S. Howard	Albert W. Pfeiffer	Harry F. Walters
Jerry F. Howell	J. Gip Prather	Taylor Witt
J. J. Huff	L. W. Preston	

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Those who voted in the negative were—

Coy C. Nevitt	Edw. P. Prichard	R. E. West
James T. Philpott		

—4

Resolved that the title thereof be as aforesaid.

Mr. Quill moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Clerk's Desk, a bill entitled:

H. B. 236. An Act authorizing cities of the first class to regulate the parking of motor vehicles in the streets of such cities.

With amendments thereto as proposed and adopted by the Senate.

(For bill see House Journal of February 29)

Said amendments as proposed and adopted by the Senate, are as follows, viz.:

Amend House Bill No. 236 in the Senate by adding, after line 4 of section 5 on page 7, the following:

"*Section 6.* A new section of the statutes is created to read as follows:

Any city of the second class shall have all the rights, powers and privileges that are given to cities of the first class by KRS 93.352 to 93.356, as amended. In applying such sections to cities of the second class, any powers given by such sections to the Director of Works of a city of the first class shall be deemed to be given to the board of public works, superintendent of public works, department of public works or commissioner of public works of the city of the second class, whichever such city shall have, and condemnation procedure shall be as provided in KRS 94.680 to 94.730."

Amend the title to House Bill No. 236 in the Senate by inserting the words "or second" after the word "first" in the

first line of the title, and by adding at the end of the title the words "and creating a new section."

Said amendments were each concurred in.

Said bill was then passed, as amended.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	W. H. Hunt	C. R. Reeves
Henry Arrowood	Lee Johnson	L. Allen Rhoads
F. H. Bassett, Jr.	Paul S. Jonas	H. G. Royalty
Isaac Blevins	H. Clay Kauffman	Amos Runyon
J. C. Bradley	M. Kavanaugh	Carl Scheben
Jno. W. Burkhart	J. T. Linton	F. W. Schuhmann
Chas. W. Burnley	Pearl McKinney	Vernon Seaton
C. D. Call	C. C. May	Leon J. Shaikun
Fred Carpenter	Johnston Miller	Jno. W. Simmons
A. Roy Copeland	Harry L. Moore	Faust Y. Simpson
John P. Craig	Herbert V. Moore	George T. Smith
Thos. S. Dawson	J. Lee Moore	Robt. J. Spaulding
J. R. Dorman	L. D. Moore	E. A. Spencer
T. H. Dyer	W. B. Moser	Arthur Stallard
Dr. J. C. Gabbard	C. Sid Nabb	Geo. W. Steinford
Franklin Goins	Coy C. Nevitt	Joe Stewart
J. D. Gross	Jno. C. Newcomb	C. W. Taylor
R. M. Hall	Joe E. Nunn	Egbert V. Taylor
Jas. P. Hallahan	Chester Peterson	H. Thieman, Jr.
Claude Hammons	Albert W. Pfeiffer	E. B. Thompson
B. C. Holbrook	James T. Philpott	John L. Trumbo
Benton Howard	J. Gip Prather	Harry F. Walters
Clyde S. Howard	L. W. Preston	R. E. West
Jerry F. Howell	Kleber F. Price	Taylor Witt
J. J. Huff	Edw. P. Prichard	
W. N. Hughes	James E. Quill	—76

Mr. Quill moved that the vote by which said bill was passed, as amended, be reconsidered and that said motion lie on the table.

At the instance of the Committee on Rules, the House took up for consideration from the Clerk's Desk, a bill entitled:

H. B. 166. An Act relating to parole of prisoners.

With an amendment thereto as proposed and adopted by the Senate.

(For bill see House Journal of February 4)

Said amendment as proposed and adopted by the Senate is as follows, viz.:

Amend House Bill No. 166 in the Senate by striking from the printed bill paragraph (1) and part of paragraph (2) from line 3 on page 1, down to and including line 16 on page 2, and insert in lieu thereof the following:

(1) Until the date upon which the President of the United States shall declare that a National Emergency no longer exists, the Commissioner of Welfare may, at his discretion, and with the approval of the Governor, and subject to the Statutes regulating the manner of granting paroles, parole at any time, for service in the Armed Forces of this Country or for work in Agricultural or essential war industry, any prisoner confined in one of the penal institutions of this state, provided said prisoner does not have a previous commitment to a penal institution on a felony charge, except that persons serving more than ten years and not more than twenty-one years must serve a minimum of three years before becoming eligible for parole consideration, and persons serving more than twenty-one years, or life, must serve a minimum of five years before becoming eligible for parole consideration.

(2) The provisions of KRS 439.110, except as they relate to persons with previous commitment or commitments to a penal institution, shall be suspended during the continuance of the National Emergency, and on and after the date upon which the President of the United States shall declare that a National Emergency no longer exists, said Section, unless sooner amended or repealed, shall return to full force and effect.

Said amendment was then concurred in.

Said bill was then passed, as amended.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	Claude Hammons	L. D. Moore
Henry Arrowood	B. C. Holbrook	W. B. Moser
F. H. Bassett, Jr.	Benton Howard	C. Sid Nabb
Isaac Blevins	Clyde S. Howard	Coy C. Nevitt
Douglas T. Bolling	Jerry F. Howell	Jno. C. Newcomb
J. C. Bradley	J. J. Huff	Joe E. Nunn
Jno. W. Burkhart	W. H. Hunt	H. C. Patterson
Chas. W. Burnley	Lee Johnson	Chester Peterson
C. D. Call	Paul S. Jonas	Albert W. Pfeiffer
Fred Carpenter	H. Clay Kauffman	Sylvester Phillips
Jno. H. Clarke, Jr.	M. Kavanaugh	J. Gip Prather
A. Roy Copeland	J. T. Linton	L. W. Preston
John P. Craig	Homer E. Losey	Kleber F. Price
Thos. S. Dawson	Pearl McKinney	Edw. P. Prichard
J. R. Dorman	C. C. May	James E. Quill
Dr. J. C. Gabbard	Johnston Miller	C. R. Reeves
Franklin Goins	Harry L. Moore	L. Allen Rhoads
J. D. Gross	Herbert V. Moore	H. G. Royalty
Jas. P. Hallahan	J. Lee Moore	Amos Runyon

Carl Scheben	Arthur Stallard	John L. Trumbo
F. W. Schuhmann	Geo. W. Steinford	S. J. Wagner
Vernon Seaton	Joe Stewart	Harry F. Walters
Leon J. Shaikun	C. W. Taylor	R. E. West
Jno. W. Simmons	Egbert V. Taylor	Taylor Witt
Robt. J. Spaulding	H. Thieman, Jr.	
E. A. Spencer	E. B. Thompson	—76

Mr. Quill moved that the vote by which said bill was passed as amended, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Ordered that said last named bills be delivered to the Enrolling Clerk of this House.

At the instance of the Committee on Rules, and without objection, the following bills and resolutions were introduced, viz.:

By Mr. Stallard.

H. B. 422. An Act relating to publications of bills introduced in the General Assembly.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Every bill introduced in the General Assembly shall, at least 15 legislative days before its passage, be published one time in full in a newspaper of general circulation throughout the state.

By Mr. Dawson.

H. B. 423. An Act to repeal and reenact Sections 138.345 and 138.346 KRS relating to taxation of motor fuel for aviation.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Sections 138.345 and 138.346 are repealed and reenacted so that the same will read as follows:

138.345 (1) Tax paid pursuant to the provisions of KRS 138.210 to 138.340, upon liquid fuel designed for use in aircraft motors and to be used in the operation of aircraft engaged in the transportation of persons and property may be refunded. No tax shall be refunded except that paid upon such fuel to be used exclusively in such aircraft motors.

(2) No person shall be entitled to a refund hereunder unless he shall have first filed with the Department of Revenue a bond with approved corporate surety in an amount of One Thousand ($1,000) Dollars conditioned upon faithful compliance with this Act and upon the payment to the Commonwealth of any refunds to which he was not entitled.

138.346 (1) Applications for refund shall be made by the person distributing liquid fuel to the aircraft in which said fuel is to be used on or before the 15th of each month to the Department of Revenue on forms and in the manner prescribed by it for the refund of tax paid on aviation motor fuel used during the preceding month. Each application for a refund shall show the number of gallons of aviation motor fuel purchased during the preceding month; the date and quantity of each purchase; the vendor from whom such fuel was purchased; the number of gallons on which refund is claimed; and such other information as the Department of

Revenue may require. The application shall be made under oath. The person applying for this refund shall not include the tax paid pursuant to the provisions of KRS 138.210 to 138.340 in the price charged therefor.

(2) The Department of Revenue shall audit the application and make such other investigation as it deems necessary to determine whether it constitutes a proper claim. When the Department of Revenue is satisfied that a refund is proper, it shall authorize the amount of tax paid to be refunded as other refunds are made and the amount refunded shall be deducted from current gasoline tax receipts.

By Mr. Dorman.

H. B. 424. An Act appropriating money to the Division of Library Extension and to Kentucky State Historical Society in the Department of Library and Archives for the fiscal years 1944-1945 and 1945-1946.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

There is hereby appropriated to the Division of Library Extension and to the Kentucky State Historical Society, in the Department of Library and Archives, for the fiscal years hereinafter designated and for the purposes hereinafter designated, the following sums:

(a) *Division of Library Extension.* For ordinary recurring expenses of operation,

1944-1945 ..... $20,000.00
1945-1946 ..... $20,000.00

(b) *Kentucky State Historical Society.* For ordinary recurring expenses of operation,

1944-1945 ..... $10,875.00
1945-1946 ..... $10,875.00

By Mr. Simpson.

H. B. 425. An Act relating to teachers' retirement.

Said bill is as follows, viz:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Subsection (4) of KRS 161.220 is amended to read as follows:

(4) "Teacher" means:

(a) Any full-time regular or special teacher, principal, supervisor, superintendent, assistant superintendent, librarian, attendance officer, or other full-time member of the teaching or professional staff engaged in the service of the public elementary and secondary schools for whom certification is required as a condition of employment;

(b) All members of the instructional and administrative staffs of Eastern Kentucky State Teachers College, Western Kentucky State Teachers College, Murray State Teachers College, Morehead State Teachers College, Kentucky School for the Deaf, Kentucky School for the Blind, Kentucky State College for Negroes, West Kentucky Vocational Training School and Mayo State Vocational School who are regularly employed by a board of education, board of regents or board of trustees for a full term for which school is maintained;

(c) The Superintendent of Public Instruction and the division heads and other professional staff members of the

State Department of Education appointed in accordance with KRS 156.140; and

(d) Any member of a local retirement system who became a member of the state retirement system according to the provisions of 1938, 1st ex.s., c.l., § 49;

(e) Any full time janitor employed in a public elementary or secondary school.

§ 2. A new section of the statutes is created to be numbered KRS 161.475 and to read as follows:

Any janitor who would become a present teacher by virtue of the 1944 amendment to KRS 161.220 may decline membership in the retirement system by filing, before September 1, 1944, with the chief school officer of the district or institution in which he is employed, a statement that he does not wish to be a member of the system and waives all advantages in the retirement system which would accrue to him by reason of prior service as a janitor. No janitor who becomes a present teacher by virtue of the 1944 amendment to KRS 161.220 shall be entitled to prior service credit unless he makes application for a prior service certificate before September 1, 1944 and at the time of such application pays into the system an amount equal to the amounts of contributions he would have paid in had he been a member of the system on July 1, 1940, or in case his employment as a janitor began after July 1, 1940, an amount equal to the amount he would have paid in as contribution if he had become a member of the system on the date of his employment.

§ 3. Section 161.470 of the Kentucky Revised Statutes is amended to read as follows:

The membership of the retirement system shall consist of all new teachers, and all present teachers except those who filed statements declining membership as provided in 1938,

1st ex.s.,c.§29, and did not withdraw the statements within the time allowed by that section, and except those who filed statements declining membership as provided in KRS 161.475.

By Mr. Hammons.

H. B. 426. An Act providing for reciprocal contracts, compacts and agreements with other states whereby motor vehicles owned by residents thereof may be operated in Kentucky without payment of certain fees and taxes.

Said bill is as follows, viz:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

The Commissioner of Revenue with the approval of the Governor shall have power to enter into contracts, compacts, and agreements with any other state, exempting motor vehicles properly registered and licensed in such other state from registration, permit, and certificate fees, and the weight tax and any other tax which this Commonwealth may impose specifically and only on motor vehicles used on the highways if such other state extends comparable privileges to motor vehicles properly registered and licensed in this Commonwealth. Contracts, compacts, and agreements entered into under this Act shall not exempt any nonresident owner operating a motor vehicle on highways in Kentucky from: (a) The payment of any requisite tax or fees in Kentucky unless he shall have paid all requisite taxes and fees in the state in which he resides or has a principal place of business which shall be the same state as the agreeing state in which the motor vehicle is registered and licensed; (b) securing, without payment of any fee, any permit or certificate of convenience and necessity required by the laws of this Commonwealth; or

(c) compliance with all the laws and regulations of this Commonwealth relating to length, weight, height, and safety devices.

By Mr. Creasey.

H. Res. 74. Resolution authorizing personal representative of Gerald Dalton Troutman, deceased, to sue the Commonwealth of Kentucky.

Said resolution is as follows, viz:

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That the Administrator, or Personal Representative of Gerald Dalton Troutman, deceased, is authorized to sue the Commonwealth of Kentucky in the McLean Circuit Court for damages resulting from the death of said Gerald Dalton Troutman which death was caused by the alleged negligence on the part of an employe, or employes, of the Department of Highways of the Commonwealth of Kentucky while said employe, or employes, was, or were, in the line of duty as employes of this Commonwealth.

The Attorney General of the Commonwealth of Kentucky may investigate the claim against the Commonwealth herein and settle said claim before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the general fund of the Commonwealth of Kentucky upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and prosecuted to judgment in the Circuit Court, either party may appeal to the Court of Appeals of Kentucky, as in other cases.

No statement in this resolution shall be construed by either the court or jury as an admission of negligence on the part of the Commonwealth and this resolution shall not be introduced as evidence, nor commented upon by counsel in argument of the case to the jury.

By Mr. J. Lee Moore.

H. Res. 75. Resolution authorizing the payment of costs and attorney fees in Contest Case of Hamilton vs. Thieman.

Said resolution is as follows, viz:

WHEREAS, During the 1944 regular session of the House of Representatives of the Commonwealth of Kentucky, a contest was filed by Allen Scott Hamilton, Contestant, against Henry Thieman, Jr., Contestee, arising out of the November election held in the Thirty-sixth Legislative District in Jefferson County, Kentucky, and,

WHEREAS, This contest was duly presented to the House of Representatives for its consideration, and,

WHEREAS, A Contest Committee was selected by lot to consider and decide the contest, and,

WHEREAS, Said Contest Committee, with the agreement of the parties involved, employed the Honorable Cyril C. Sehlinger to act as special commissioner to consider the contest, and,

WHEREAS, After due consideration by this Committee and by vote of the House of Representatives of the Commonwealth of Kentucky, it was decided that the Honorable Henry Thieman, Jr., Contestee, was entitled to represent the Thirty-sixth Legislative District in the Kentucky House of Representatives.

Now, Therefore, be it Resolved by the House of Representatives of the Commonwealth of Kentucky:

That there is hereby appropriated out of the Legislative Fund the sum of $200.00 to the Honorable Cyril C. Sehlinger as his fee and expenses as special commissioner: to the Honorable Harold Marquette, as attorney for Contestee the sum of $100.00; to the Honorable Earl Frankenberger, as attorney for Contestant the sum of $100.00; to Mrs. M. Kesselring, tabulator, for services rendered the sum of $15.00; to John Herbold, tabulator, for services rendered the sum of $15.00; to Ray Thompson, box carrier, for commissioner, for services rendered the sum of $15.00; to Charles Dahringer, guard, for services rendered the sum of $10.00; to E. T. Geisler, guard for services rendered the sum of $5.00; and the Commissioner of Finance is hereby directed to draw his warrants upon the Treasurer in favor of the above mentioned parties for the amounts above specified.

By Mr. Pfieffer.

H. Res. 76. Resolution authorizing payment of costs and attorneys fees in Contest Case of Charles L. Spillman vs. Sylvester Phillips.

Said resolution is as follows, viz:

To the members of the House of Representatives of the Commonwealth of Kentucky:

WHEREAS, following the election of the member of the House of Representatives from the 38th Legislative District, located in Louisville, Jefferson County, Kentucky, a suit was filed in the Jefferson Circuit Court, styled Charles L. Spillman vs. Sylvester Phillips, and others, bearing No. 281343 in said Court, which suit requested said Court to direct a recount of the ballots cast in said Legislative District, and

WHEREAS, in said suit it was necessary to and the plaintiff and the defendant in said case found it necessary to employ counsel, and

WHEREAS, said plaintiff did employ R. D. McAfee, Sam J. Stallings and Simeon Jacobs, who are duly licensed and regular practicing attorneys in the Jefferson Circuit Court, to represent him as attorneys in said matter, and

WHEREAS, the defendant, Sylvester Phillips, did employ Samuel Steinfeld and Franklin Fitch, who are duly licensed and regular practicing attorneys in the Jefferson Circuit Court, to represent him as attorneys in said matter, and

WHEREAS, said attorneys practiced said case in said Court, and

WHEREAS, said case was carried to the Court of Appeals of Kentucky in the form of an action for a writ of prohibition, which case was styled Sylvester Phillips, petitioner, vs. Honorable Joseph J. Hancock, Judge, respondent, and

WHEREAS, in said Court of Appeals said case was practiced by the aforesaid attorneys as counsel for the parties in said action in said Court, and

WHEREAS, a writ of prohibition was entered in said Court restraining and enjoining the further prosecution of said case in said Courts, and

WHEREAS, the opinion written by the Honorable Will Fulton, Chief Justice of the Court of Appeals, which opinion is reported in .....Ky. .....; 176 S.W. 2d 418, and which opinion clarified the provisions of K.R.S. 122.100 and established the law in Kentucky for the information of the present

and future members of the General Assembly, in so far as recounts are concerned, and

WHEREAS, said attorneys have performed services of value to the General Assembly, and

WHEREAS, said attorneys are entitled to be compensated for the services that they performed, and have not been so compensated.

Now Therefore, be it resolved that said attorneys, R. D. McAfee, Sam J. Stallings and Simeon Jacobs, be and they are hereby allowed the total sum of One Hundred Seventy Dollars ($170.00) as compensation for the aforementioned services (said sum is the minimum fee as shown under the schedule of recommended fees of the Louisville Bar Association for similar services), and the Clerk of this House is hereby authorized and directed to certify this claim to the Auditor of the State of Kentucky, directing said Auditor to draw his warrant on the Treasurer of the State of Kentucky in payment of said allowance, and said Treasurer is authorized and directed to honor said warrant.

And be it further resolved that said attorneys, Samuel Steinfeld and Franklin Fitch, be and they are hereby allowed the total sum of One Hundred Seventy Dollars ($170.00) as compensation for the aforementioned services (said sum is the minimum fee as shown under the schedule of recommended fees of the Louisville Bar Association for similar services), and the Clerk of this House is hereby authorized and directed to certify this claim to the Auditor of the State of Kentucky, directing said Auditor to draw his warrant on the Treasurer of the State of Kentucky in payment of said allowance, and said Treasurer is authorized and directed to honor said warrant.

Now comes Albert Pfeiffer, member of this House from the ..... Legislative District of Jefferson County, Kentucky, and moves the adoption of said resolution.

By Mr. Pfeiffer.

H. Res. 77. Resolution authorizing payment of costs and attorneys fees in Contest Case of Allen Scott Hamilton vs. Henry Thieman.

Said resolution is as follows, viz.:

To the members of the House of Representatives of the Commonwealth of Kentucky:

WHEREAS, following the election of the members of the House of Representatives from the 36th Legislative District, located in Louisville, Jefferson County, Kentucky, a suit was filed in the Jefferson Circuit Court, styled Allen Scott Hamilton vs. Henry Thieman, Jr., and others, bearing No. 281344 in said Court, which suit requested said Court to direct a recount of the ballots cast in said Legislative District, and

WHEREAS, in said suit it was necessary to and the plaintiff and the defendant in said case found it necessary to employe counsel, and

WHEREAS, said plaintiff did employ R. D. McAfee, Sam J. Stallings and Simeon Jacobs, who are duly licensed and regular practicing attorneys in the Jefferson Circuit Court, to represent him as attorneys in said matter, and

WHEREAS, the defendant, Henry Thieman, Jr., did employ Samuel Steinfeld and Franklin S. Fitch, who are duly licensed and regular practicing attorneys in the Jefferson Circuit Court, to represent him as attorneys in said matter, and

WHEREAS, said attorneys practiced said case in said Court, and

WHEREAS, said case was carried to the Court of Appeals of Kentucky in the form of an action for a writ of prohibition, which case was styled Henry Thieman, Jr., petitioner vs. Honorable Joseph J. Hancock, Judge, respondent, and

WHEREAS, in said Court of Appeals said case was practiced by the aforesaid attorneys as counsel for the parties in said action in said Court, and

WHEREAS, a writ of prohibition was entered in said Court restraining and enjoining the further prosecution of said case in said Courts, and

WHEREAS, the opinion written by the Honorable Will Fulton, Chief Justice of the Court of Appeals, which opinion is reported in ..... Ky. .....; 176 S.W. 2nd 418, and which opinion clarified the provisions of KRS 122.100 and established the law in Kentucky for the information of the present and future members of the General Assembly, in so far as recounts are concerned, and

WHEREAS, said attorneys have performed services of value to the General Assembly, and

WHEREAS, said attorneys are entitled to be compensated for the services that they performed, and have not been so compensated.

Now Therefore, be it resolved that said attorneys, R. D. McAfee, Sam J. Stallings and Simeon Jacobs, be and they are hereby allowed the total sum of One Hundred Seventy Dollars ($170.00) as compensation for the aforementioned services (said sum is the minimum fee as shown under the

schedule of recommended fees of the Louisville Bar Association for similar services), and the Clerk of this House is hereby authorized and directed to certify this claim to the Auditor of the State of Kentucky, directing said Auditor to draw his warrant on the Treasurer of the State of Kentucky in payment of said allowance, and said Treasurer is authorized and directed to honor said warrant.

And be it further resolved that said attorneys, Samuel Steinfeld and Franklin S. Fitch, be and they are hereby allowed the total sum of One Hundred Seventy Dollars ($170.00) as compensation for the aforementioned services (said sum is the minimum fee as shown under the schedule of recommended fees of the Louisville Bar Association for similar services), and the Clerk of this House is hereby authorized and directed to certify this claim to the Auditor of the State of Kentucky, directing said Auditor to draw his warrant on the Treasurer of the State of Kentucky in payment of said allowance, and said Treasurer is authorized and directed to honor said warrant.

Now comes Albert Pfeiffer, member of this House from the 36th Legislative District of Jefferson County, Kentucky, and moves the adoption of said resolution.

By Mr. Losey.

H. Res. 78. Resolution authorizing Mike Gleason of Burnside, Kentucky to sue the Commonwealth.

Said resolution is as follows, viz.:

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That Mike Gleason, of Burnside, Kentucky, is authorized to sue the Commonwealth of Kentucky in Pulaski Circuit

Court for damages resulting from property damage caused by alleged negligence on the part of the Department of Highways in the construction of a state highway, thereby causing an overflow of water on said Gleason's land, to his damage.

Said suit shall be for a sum not in excess of $1,000.00.

The Attorney General of the Commonwealth of Kentucky may investigate the claim against the Commonwealth herein and settle said claim before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the General Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this resolution shall be considered by either the Court or jury as an admission of negligence upon the part of the Commonwealth and this resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

Ordered that said bills and resolutions be printed.

The Speaker announced that he had referred H. B. 422, H. B. 423, H. B. 425, H. B. 426, H. Res. 74, H. Res. 75, H. Res. 76, H. Res. 77 and H. Res. 78.

To the Committee on Rules.

Mr. Quill moved that the House do now adjourn.

Said motion was agreed to.

And then the House adjourned.

WEDNESDAY, MARCH 8, 1944

The House was called to order by The Honorable Harry Lee Waterfield, Speaker.

The House was opened with prayer by the Reverend F. T. Moffat of the First Baptist Church of Frankfort.

The roll was called and the following members answered to their names, viz:

Chas. W. Anderson	Jas. P. Hallahan	Coy C. Nevitt
Henry Arrowood	Claude Hammons	Joe E. Nunn
F. H. Bassett, Jr.	B. C. Holbrook	H. C. Patterson
Isaac Blevins	Benton Howard	Chester Peterson
Douglas T. Bolling	Clyde S. Howard	Albert W. Pfeiffer
J. C. Bradley	Jerry F. Howell	Sylvester Phillips
Jno. W. Burkhart	J. J. Huff	J. Gip Prather
Chas. W. Burnley	W. H. Hunt	L. W. Preston
C. D. Call	Lee Johnson	Kleber F. Price
Fred Carpenter	Paul S. Jonas	Edw. P. Prichard
Willis Champion	Wm. E. Justice	James E. Quill
Jno. H. Clarke, Jr.	H. Clay Kauffman	C. R. Reeves
A. Roy Copeland	M. Kavanaugh	L. Allen Rhoads
Marvin Cornett	G. M. Knuckles	Wade H. Riley
John Henry Cox	J. T. Linton	H. G. Royalty
Fred Creasey	Homer E. Losey	Amos Runyon
Thos. S. Dawson	A. L. Love	Carl Scheben
Adron Doran	Pearl McKinney	F. W. Schuhmann
J. R. Dorman	C. C. May	Vernon Seaton
T. H. Dyer	Johnston Miller	Leon J. Shaikun
Bernie S. Edlin	Harry L. Moore	Faust Y. Simpson
Harry W. Ennis	Herbert V. Moore	George T. Smith
Dr. J. C. Gabbard	J. Lee Moore	Robt. J. Spaulding
Franklin Goins	L. D. Moore	E. A. Spencer
J. D. Gross	W. B. Moser	Arthur Stallard
R. M. Hall	C. Sid Nabb	Geo. W. Steinford

Joe Stewart	H. Thieman, Jr.	Harry F. Walters
Thos. M. Swope	Otis C. Thomas	R. E. West
C. W. Taylor	E. B. Thompson	Taylor Witt
Egbert V. Taylor	John L. Trumbo	Speaker Harry
Roy L. Taylor	S. J. Wagner	Lee Waterfield

Mr. Quill moved that the reading of the Journal of yesterday's proceedings be dispensed with.

Said motion was agreed to.

Mr. Howell offered the following resolution, viz:

A RESOLUTION commending and honoring Lewis Campbell of Floyd County, Kentucky, for heroism.

WHEREAS, Lewis Campbell, School Superintendent of Weeksbury Schools, Floyd County, Kentucky, on January 14, 1944, without regard for his own personal safety, risked his life to save the children of Weeksbury School when the school building was being consumed by fire, and

WHEREAS, by his brave acts the said Lewis Campbell saved the lives of more than one hundred school children, and

WHEREAS, the said Lewis Campbell deserves the highest praise and commendation that can be awarded by the citizens of this Commonwealth, NOW, THEREFORE,

Be it Resolved by the House of Representatives of the Commonwealth of Kentucky:

§ 1. That the House of Representatives of the Commonwealth of Kentucky publicly recognizes the brave deed of Lewis Campbell in causing the lives of more than one hundred school children to be saved from death by fire at the Weeksbury School in Floyd County on January 14, 1944, and that it is the sense

of the House of Representatives that said Lewis Campbell is entitled to the highest public esteem and honor.

§ 2. That the Clerk of the House of Representatives is directed to spread this resolution at length upon the Journal and send a copy to said Lewis Campbell and to the newspapers of Floyd County.

Said resolution was adopted.

A message was received from the Senate, announcing that they had adopted the following resolution, viz:

S. Res. 45. A concurrent resolution providing for a Joint Session of the General Assembly of Kentucky Wednesday, March 8, 1944, at one o'clock P. M.

Be It Resolved by the Senate of Kentucky, the House of Representatives concurring therein:

That the Senate and the House of Representatives will convene in Joint Session at the hour of one o'clock P.M. today, Wednesday, March 8, 1944 for the purpose of hearing addresses by the Majority Floor Leader of the Senate, the Honorable Earle C. Clement, and the Speaker of the House of Representatives, the Honorable Harry Lee Waterfield, which will be broadcast over Radio Station WHAS beginning at 1:30 P.M.

Said resolution was then concurred in.

And that they had refused to concur in an amendment proposed and adopted by the House to a bill which originated in the Senate entitled:

S. B. 84. An Act consenting to an independent school district on the Fort Knox Military Reservation,

And respectfully request that the House recede from said amendment.

(For bill and amendment thereto as proposed and adopted by the House, see House Journal of March 6)

Ordered that said bill and amendment thereto be laid on the Clerk's Desk.

The hour of one-thirty o'clock P. M. having arrived, that being the hour for the Joint Session of the House and Senate,

The Senate of Kentucky appeared and in order entered upon the floor of the House of Representatives and The Honorable Kenneth Tuggle, Lieutenant Governor and President of the Senate, took the Chair and presided and The Honorable Harry Lee Waterfield, Speaker of the House of Representatives, having taken his seat on the right of the President of the Senate, the two Houses were convened in Joint Session which was composed of a majority of all the members elected to each House.

There being no objection, the call of the roll of the Senate and House of Representatives in Joint Session was dispensed with.

Mr. Quill moved that a Committee be appointed by the President of the Senate to wait on the Governor and invite him to attend the Joint Session.

Said motion was agreed to.

Thereupon the President of the Senate appointed Messrs. Arrowood, Bassett and Kauffman on the part of the House and Senators Moss and Wagner on the part of the Senate as members constituting said Committee.

After a time, the Committee aforesaid appeared upon the floor of the House and announced that the Governor was not in his office and for that reason they were unable to extend the invitation.

Thereupon The Honorable Harry Lee Waterfield, having taken his place at the Clerk's Desk, addressed the House as follows, viz:

The facts of the budget stalemate between the executive and legislative branches, and its defeat, are so compelling they shine through the smokescreen Governor Willis has compounded out of broken promises, misinformation, indecision and unfamiliarity with the affairs of the Commonwealth.

Governor Willis' prerogative to make promises and issue statements is one thing, and the duty of a member of the Legislature is something else. On Yesterday Governor Willis asked that members skilled in parliamentary law find a way to carry out his suggestions for the reconsideration of the Budget Bill the Republicans killed. He asked us not to cross a T nor dot an I on the identical proposition that has consumed the energy and fanned the tempers of this Assembly for thirty days.

The message of Governor Willis yesterday was notable for what it omitted, not for what it said. In the next few minutes, I propose to fill in the gaps he left in that barren message of forlorn leadership.

Governor Willis did not tell you that forty-two Republicans, sticking together like glue, defeated the budget bill in this House last Friday. He did not tell you the facts about the budget bill his own party filibustered against in the Senate. He did not tell you the facts about the bill his Republican leader in the House fought with vituperation and partisan blindness. I am neither ashamed nor afraid to tell you about the budget bill the Republicans defeated, for it was a good bill.

The bill amended and passed by the Democrats in the Senate last Thursday was about the same kind of a budget they would have passed for a Democratic governor. Essentially, it was the same kind of a budget passed for Governor Johnson in 1942.

The Johnson budget provided that the governor could not spend more than is collected. The Willis budget provided that the Governor could not spend more than is collected. Every budget bill since 1936 has carried that restriction.

Beginning in 1936, the Governor was compelled to keep his budget in balance. Four such budgets since then, covering the short span of eight years, enabled the state to pay off the $28,000,000 debt and amass a cash surplus of $11,000,000 which Governor Willis found when he took oath of office December 7th last. I submit that the principle of balanced budgets is sound fiscal management, Governor Willis and his Republican minority to the contrary.

The last Johnson budget earmarked $6,000,000 of the surplus for reconstruction of the state institutions. The budget the Republicans killed for Governor Willis earmarked $5,000,000 for essentially the same purpose.

The Democrats in the Senate and the Democrats in the House tried to be more liberal with Governor Willis than they were with Governor Johnson in 1942. The Willis budget of $66,500,000 which the Democrats labored to enact, and the Republicans defeated, was $8,000,000 more than the last Johnson budget.

In view of the fact that the Willis budget was $3,800,000 more than estimated revenue, this question naturally arises: Would the hands of Governor Willis be tied to the extent of $3,800,000 if he could have spent no more than was collected in the next biennium?

The evidence is overwhelming that the hands of Governor Willis would not have been tied to the extent of one dollar. Let us examine three prospects in his favor.

First—The Department of Revenue has long maintained the conservative practice of underestimating revenue. Chances are preponderant, therefore, that substantially more will be collected in the next biennium.

Second—The state surely will get a windfall from the escheat law recently upheld by the Supreme Court. The windfall is estimated all the way from $200,000 to $4,000,000.

Third—None but the profound pessimist would deny that whiskey production and sale of new cars will be resumed before June 30th, 1946. Collection of taxes from those two sources, even for as short a period as six months at the pre-war rate, would net the state between $2,500,000 and $3,000,000.

Thus it is shown that the odds are indeed long against the chance that the hands of Governor Willis would be tied. To the contrary, the chances were in his favor that he would have collected, and would have been entitled to spend every dime of the biennial appropriation of $66,500,000 which the Republicans voted down. That total, be it remembered, is $8,000,000 higher than the previous highest budget in the history of the state.

The budget bill the Senate passed for Governor Willis was kind to him in many other respects. Some of the major advantages it bestowed upon him are:

It respected and upheld his pledge to raise the common school fund from $10,000,000 to $15,000,000.

It respected and upheld his pledge to better the lot of Negro education.

It gave him and his administration the political advantage of inaugurating a state-wide program for the treatment of tuberculosis.

It gave him and his administration the political advantage of inaugurating the first adequately financed program of vocational education and rehabilitation in Kentucky.

Governor Willis and his fiscal advisers had ample time to study the budget bill the Senate Democrats passed for him before its ill-advised defeat at the hands of the wilful Republican minority in the House. It developed at a conference with Governor Willis Monday afternoon in which three members of the General Assembly sat, that he did not know what the Senate Amendments to the budget bill contained or provided. He had never read them.

The original amendments were sent for and it was not until then he discovered for himself he had been misinformed when told the Senate Amendments had frozen $5,000,000 of the surplus for two years.

Among the Governor's advisers are men reputed to be shrewd politicians. These men, surely had ample time to evaluate the political advantages the budget bill as amended by the Senate bestowed upon the Governor. They were apparent enough to many of the opposite political faith. It is, indeed, a sad commentary upon the Governor's leadership that he waited until after his Republicans in the House killed this advantageous bill before he set up the lonesome wail that partisanship had destroyed his opportunity to be a good Governor.

If Governor Willis did not know it, the fact was well-known to many of his fiscal advisers that his administration would revert to the old budget if a new one were not enacted. His Republicans in the House who killed the budget knew it, for both the minority floor leader and the minority whip are

legislators of ripened experience. Terms of the old budget have been widely known since it was adopted in 1942. The fiscal policy of the state, which Governor Willis denounced so vehemently in his campaign, were enunciated in the 1942 budget bill. It is to be presumed, therefore, that the Governor was conversant with the old budget when his Republicans in the House killed the new one.

In their deliberate reversion to the old budget, let us see what the Republicans did to their leader in the governor's chair. By the same token, let us see what the Governor sat there and let them do to him without one word of protest. Let the truth be spoken bluntly. Let us see what the Governor demanded that his House Republicans do for him and to him.

First—In reverting to the old budget, Republicans in the House repudiated the solemn pledge of Governor Willis to increase the common school fund $9,800,000 in the next biennium.

Second—In reverting to the old budget, Republicans in the House repudiated the campaign promises of Governor Willis to better the advantages of Negro education.

Third—In reverting to the old budget, Republicans in the House robbed their party of the political advantage of starting a state-wide program of treatment for tubercular patients, of widening the scope of public assistance, public health, public education, vocational education and rehabilitation.

Fourth—In refusing to adopt the new budget Republicans in the House gave the lie to the biennial message of Governor Willis which set out these two principles of sound fiscal management:

"The budget must be kept in balance and expenses must not exceed income."

"Pay-as-you-go policy is sound and must be observed."

Fifth—In reverting to the old budget, Republicans in the House irrevocably tied their Governor to the fiscal limits and policies of the preceding Democratic administration of Governor Johnson. This is the administration which Candidate Willis denounced from every campaign stump in Kentucky as inefficient, wasteful, corrupt, unbalanced, unwise, and a disgrace to the Commonwealth.

So much for the kind of a bill the Republicans in this House killed last Friday. Let us now examine some of the gaps Governor Willis left in his message to this Assembly yesterday.

The Governor claimed yesterday he worked with the legislative council in entire harmony, and a tentative budget was agreed upon by them without controversy. What he neglected to tell you is that he tried unsuccessfully to persuade the legislative council to fudge $1,500,000 on his own promise to increase the common school fund $9,800,000 for the biennium. Ask any member of the council if the Governor did not suggest lowering his promised school fund from $15,000,000 to $13,500,000.

He complained yesterday that the Senate had stricken out of the bill $1,000,000 a year to allow him to continue reconstruction of the state institutions. What he neglected to tell you was that the Senate provided him with $3,500,000 for exactly the same purpose.

He told you the Senate enacted a budget bill to make it impossible to spend money except in the way and for the purpose specified. He neglected to tell you that is what a budget bill is supposed to do. Any other kind would be unconstitutional and the Governor knows that.

He tried to scare you with the fact that general fund revenue is $1,700,000 less the first eight months of this fiscal year than in the same eight months last year. He neglected to tell you that fact has no significance with relation to the budget. Governor Willis has been in office three months and one day and he apparently has not learned yet that appropriations in Kentucky are made on the basis of estimated revenue, not actual collections. His own department of revenue will tell him that thus far in the fiscal year actual collections have exceeded estimated collections. It is time for the Governor to learn that the state is operating in the black so long as receipts exceed estimates.

With only seven legislative days remaining, the Governor suggested yesterday that this assembly enact a new budget bill. The Governor neglected to tell you that it is impossible to enact a new budget bill this session. The budget bill is dead. It was killed by Republicans in the House despite the earnest efforts of fifty Democrats to save it.

I repeat, the budget bill is dead. It cannot be reconsidered this session. No legerdemain of parliamentary procedure can revive it. The rules of this House, or general parliamentary rules, require unanimous consent to reconsider the subject matter, in whole or in part, of any bill that has been killed.

Thereupon Senator Earle C. Clements, having taken his place at the Clerk's Desk, addressed the House as follows, viz.:

The good Republicans and Democrats of Kentucky should be concerned about the change that is being wrought into their fiscal affairs. It is my purpose to present you a clear picture of what is happening. You need to know where Governor Willis is about to lead you, even if he has no under-

standing of the consequence of the fiscal policies he asks us to impose upon you.

It is time for you to take warning that the Governor is trying to load the taxpayers with the largest spending program ever imposed on the people of the State. Despite revenue reduction that are not alarming in themselves, there are excesses of spending that he should avoid.

Governor Willis has stated the case against excess spending effectively enough. He said "spending beyond income is not good housekeeping." He said, "We should live within our income." And quite properly he said we should remain "on a pay-as-you-go basis."

It is the departure from those sound standards that should give this legislature and the people much concern. The faith of his promise is not to be found in his performance.

He promised he could operate the essential functions of Kentucky's government and entirely do without the income tax. He could repeal that tax, he said, and by an economy not practiced by his predecessors, he could pay the teachers an additional $5,000,000 in each of the next two fiscal years.

The wizardy of those promises no longer dazzle the dream world he visioned to the voters during the campaign. The realities of life caught up with him and with us. It is for us in this assemblage of the representatives of the people to decide on the basis of those realities whether we want a furrow of debt for our people this year and harvest for them two years from now the inevitable crop of higher taxes.

We should take warning today! Now!—before our revenues are obligated appropriations. What will be our situation two years hence. If we do not now protect our people

against unsound financing, we will not be able to shield them from his unwise, unsound and ill considered policies when the General Assembly reassembles for the people in 1946.

What does he propose? The highest budget in the State's history. Appropriations against every dollar that will be collected in the next two years. Then even more appropriations against the surplus built up by the taxpayers.

There is where the legislators need to call a halt. The people have a right to expect it of us. Tax revenues are not so low as to create a crisis requiring unregulated spending from the surplus. Tax yield this year, and next year and year after next will be higher than the annual average tax yield over the last eight years. This year revenue receipts at the end of eight months were running more than $300,000 ahead of estimates of income.

A Democratic majority in the Senate is not proven guilty of partisanship, bias, cunning trickery and destructive purposes, merely because Governor Willis charged it with those misdoings. We are undisturbed by his resentment because we would not appropriate the surplus to him for unrestricted use. A Democratic majority has thrown those same restrictions around every budget appropriation that has been enacted since the Reorganization Act in 1936 put the State on a sound financial basis.

A Democratic majority forbade two Democratic Governors to spend more than they collected. It was sound policy during the Democratic Administration. It is sound policy now. If that is not enough to convince Governor Willis, then we suggest that he read his own campaign speeches as to the soundness of our action in refusing to give him a blank check against the accumulated cash in the Treasury.

But a Democratic majority possibly has erred. We have been too generous with Governor Willis. Certainly we

have been more generous with him than we were with the two Democratic Administrations. We have agreed to give Governor Willis' administration every dollar received from the existing tax laws; we have left him every tax law his predecessors had, letting him keep the income tax he promised to repeal. In short, we have given him all the money he collects, without any strings attached to the collections, and leave his tax laws intact and whole.

What is more, the Democratic majorities in the House and Senate have already voted $3,000,000 out of the accumulated surplus. With that, the General Assembly fulfilled the Governor's campaign pledge for additional pay to the school teachers.

More than that, the Democratic Majorities in the House and Senate have agreed that $5,000,000 of the surplus accumulated in past Administrations, may be used to rebuild the institutions for the wards of the State and for construction of tuberculosis sanatoriums in the State, with this simple safeguard:

The Governor's Administration is to be the sold judge of when the building program is begun. When he decides the materials are available and the labor can be procured and the prices are right, he can contract the work in whole or in part, without a days delay.

That is all in the world the Senate Amendment does. But it sent him into a frenzy against the Democratic members of the Senate. It does not freeze, it does not hamper, it does not restrict, it does not hamstring the Governor in the slightest degree. The choice is wholly his to freely make and when he wants to commence, he is free to begin and to finish.

All the Senate did was to ear-mark the $5,000,000 for building purposes, and for no other purpose and require the

investment of the money in government bonds until the day the Governor is ready to start any part of the building program. His frenzy, his rush to denounce us for partisanship has no ascertainable reason, unless he really planned to use the money for some other purpose not yet disclosed to the representatives of the people, or to the people themselves.

The Legislature needs to be careful of Governor Willis' purposes. The people cannot overlook his promise to repeal the income tax, his prompt decision not to do it as soon as the votes were counted. The people would have us remember that, lest he fool us as he fooled them.

The Democratic majority amendment to the budget bill ear-marked but did not freeze the $5,000,000 building appropriation. Governor Willis knows it now. Governor Willis knew that Monday night, and all morning Tuesday before he delivered his message to us.

Did he retract his charge that we had been partisan and had frozen the building funds? He did not.

No representative of the people should pass over lightly the amendment that requires this administration to live within its income, save for the $3,000,000 for the school teachers and the $5,000,000 for the institutional building program.

Do not be disturbed because Governor Willis was agitated over it. It is sound governmental policy for the people's representatives to require the State Government to spend no more than it collects. It is not an unworkable requirement. It has been effective for eight years, and Governor Willis ought not to complain against it.

It may come as a startling discovery to Governor Willis that he too wrote it into the 1944 Budget bill he offered to the House on January 11 of this year.

The people may be surprised that Governor Willis did not know last Saturday that he sent the "live within your income" section to the House in January of this year. They may wonder why he did not know what he had done. It is not for us to explain. It was a good policy when he sent it to the Legislature in January, whatever he thinks about it now.

A considerate view would be that he changed his mind, and decided last week that he'd like to spend more than the whole collections in the next two years plus the $8,000,000 appropriated him from the surplus. But if that is what he wants, it is time for us to say he cannot dissipate the remaining one-fourth of the surplus during this biennium. If we permit him to spend the last dollar of the accumulated surplus during the first two years of his term as Governor, where will he get the money for his spending during the last two years?

The Democratic majority in the Senate wrote the amendment for a very simple but compelling reason. We thought it proper to separate the capital investment for new buildings and for tuberculosis sanatoriums from the recurring expenses of operating the government. Any business man will testify to the soundness of that method of budgeting funds.

We took those items out, set them off to themselves, so the investments in capital improvements could go on, unhampered by the fluctuations of revenue collections. But that accomplished, we said that the Willis Administration relieved of conducting the building program and relieved of paying $3,000,000 to supplement the teachers' salaries out of current tax income, should manage the rest of the government on the actual tax collections.

In effect, we gave him the State's total tax receipts to operate the government, and out of the accumulated surplus five million dollars for capital improvements and three mil-

lion dollars to supplement teachers' salaries. For that, he cried out that we were partisan, and biased, and had dealt him a cunning trick. We assured him that we served the people, and if he has the same purpose, we helped him.

Events took a humorous turn because the amendment which the Governor said was unacceptable to him quoted from the Governor's own statements and declared those statements to express the public policy of Kentucky and the legislative policy with respect to requiring the State to live within its income. It was a distinct honor for any man to have his own statements as to sound fiscal policy to be adopted and declared to express the public policy of the State and of the General Assembly, but when embraced in the law the Governor repudiated his own statements and said that they were not acceptable to him.

A Governor will call us partisan, and biased, and guilty of a cunning trick, cannot take exceptions if we say to him that it is time for him to drop the camouflage, and quit pretending that he knows more than any other what is good for the state.

He has not repealed the income tax. He begs us not to. In a spirit foreign to partisanship and trickery we have permitted him to violate his major campaign pledge to the people. He said that he could eliminate graft and corruption and reduce the cost of government by millions of dollars. Now he admits he cannot save the millions, but wants to spend millions more than were spent in any previous administration.

If the people of this State believe that a Governor who so promptly after his election has repudiated practically every campaign pledge which he had made as a candidate, should be given unrestricted and unlimited authority to dissipate the accumulated surplus which has been collected from taxes as

a cushion to tide the State over the financial crisis which may develop when the War is over—if the people want the accumulated surplus dissipated within the next two years—if the people want a situation to be created whereby there will be no other alternative than for the next General Assembly to impose substantial new and additional taxes, then the Democratic majority in the Senate, by passing the Budget Bill with the amendments adopted by the Senate did not reflect by their action the desires or the wishes of the people of this State. The amendments to the Budget Bill adopted by the Senate are fundamentally sound. If the people of this State do not want sound government—if the people of this State do not want the finances of their State kept in good business order, if the people of this State want again to be plunged into debt or want the tax load heavily increased, the Senate made a mistake. But if, on the other hand, the people of this State want the government administered on a sound financial basis, the Budget Bill with the amendments adopted with the support of the Democratic majority, requires that the finances of the State be administered in a business-like manner, and in no wise ham-strings or restricts the Governor or his Administration, in making necessary and proper expenditures within the appropriations, and in no wise ham-strings or restricts the Governor or his administration in effecting savings or economic in any branch or department of the State government.

As to where the responsibility lies for the defeat of the Budget Bill, the facts should speak for themselves. Every Republican member of the Senate voted against the Senate amendments and against the passage of the bill. Every Republican member of the House voted against the amendments adopted by the Senate and against the passage of the bill. Every Democratic member of the Senate voted for the adoption of the amendments and for the passage of the bill. Fifty Democratic members of the House voted for the adoption of

the Bill with the Senate amendments. Just one Republican vote in the House for the bill would have been sufficient to have passed the bill. The bill was defeated by the Republicans, and the action of the Republicans in defeating the bill have brought about a condition that is unprecedented in the history of Kentucky Government. Notwithstanding the action of the Republicans in defeating the passage of the Budget Bill, it is still possible to have a sound budget bill which will provide adequately for the cause of public education, public welfare, and for the institutions of the State Governments. A budget bill may be had without the necessity of throwing rules, precedents, and established parliamentary law out of the window. The Governor has either of two courses which he may pursue. He may operate under the budget bill passed in 1942. If he takes that course, he denies substantial increases to the school teachers, to the aged, to the blind. If he desires to rectify the mistakes of the Republicans in defeating the passage of the budget bill, he may call a special session of the General Assembly for the purpose of enacting a budget bill. If he decides on this course, speaking for the members of the Democratic Party in the Senate, we think it would be a wise procedure on the part of the Governor to take the Democratic members of the House and Senate into his confidence and to work with the Democratic members of the House and Senate, as well as the Republican members, in the writing of a fair and reasonable budget bill for the operation of the State Government during the next biennium.

Mr. Quill moved that the Joint Session of the House and Senate do now dissolve.

Said motion was agreed to.

Thereupon the Speaker resumed the Chair and called the House to order.

At the instance of the Committee on Rules, the following bills were reported, viz.:

S. B. 77. An Act relating to juries.

S. B. 140. An Act relating to juries.

S. B. 147. An Act pertaining to the secretary and treasurer of boards of Park Commissioners.

S. B. 145. An Act amending Sec. 393.100 KRS.

H. B. 345. An Act relating to the operation of bingo games by charitable or religious organization.

H. B. 379. An Act relating to revenue and taxation.

H. B. 382. An Act regulating and providing for the licensing of manufacturers, wholesalers, jobbers and retailers of foods and drugs.

H. B. 410. An Act relating to Game and Fish.

H. B. 413. An Act providing for the disposition of money received by the Commonwealth through the operation of toll bridges.

H. B. 414. An Act relating to county road and bridge bond indebtedness.

H. B. 421. An Act relating to state owned bridges, including bridges for the use and distribution of the revenue derived from tolls etc.

With the expression of opinion that said bills ought to pass.

Said bills were each and severally read at length the first time and ordered to be placed in the Calendar.

At the instance of the Committee on Rules, the House took up for consideration from the Calendar, bills of the following titles, viz.:

H. B. 348. An Act relating to compensation of county treasurers.

H. B. 356. An Act relating to fees of jailers.

H. B. 372. An Act relating to compensation for city officers of cities of the fifth class.

H. B. 402. An Act relating to distilled spirits.

H. B. 405. An Act relating to county tax commissioners.

H. B. 409. An Act relating to infectious and communicable diseases.

H. B. 412. An Act relating to Child Labor and Employment and Regulation of Employment of Infants.

H. Res. 4. A resolution authorizing the payment of a claim to J. F. Aslop.

H. Res. 16. Resolution relating to increase in tobacco allotments.

H. Res. 71. Resolution authorizing payment of claims to Union Bank and Trust Co. of Irvine.

H. B. 28. An Act relating to Department of Agriculture, Labor and Statistics.

H. Res. 72. Resolution for the benefit of W. Henry Grimes.

S. B. 12. An Act amending the Constitution by creating a new section relating to the qualification of voters.

S. B. 14. An Act relating to the preparation and delivery of tax bills for listed property and poll taxes.

S. B. 15. An Act relating to penalties to be imposed on certain officers for failure to discharge their duties.

S. B. 30. An Act to provide for payment of death, inheritance and other taxes etc.

S. B. 48. An Act relating to local health officers.

S. B. 49. An Act relating to the acquisition of electric power systems by municipalities.

S. B. 61. An Act repealing and re-enacting Sec. 489 of the Civil Code of Practice.

S. B. 62. An Act relating to State appropriations for county roads allocated among the several counties, etc.

S. B. 67. An Act relating to revenue and taxation.

S. B. 72. An Act relating to the collection of school taxes.

S. B. 83. An Act relating to fees sheriffs may charge and collect for certain services.

S. B. 93. An Act relating to commitment of incompetents etc.

S. B. 94. An Act relating to electors of President and Vice President of the United States, etc.

S. B. 97. An Act amending Sec. 422.090 KRS.

S. B. 98. An Act relating to lunacy inquests held by county courts.

S. B. 100. An Act relating to elections.

S. B. 104. An Act relating to the police and fire departments of cities of the fourth class.

S. B. 105. An Act to authorize the appointment of a special judge where a vacancy occurs or exists.

S. B. 109. An Act relating to the inspection of nurseries and nursery stock.

S. B. 111. An Act relating to taxation of Insurance Companies.

S. B. 119. An Act relating to contests of elections.

S. B. 121. An Act providing for the establishment of a juvenile court in all cities of their class which are not county seats, etc.

S. B. 122. An Act relating to drainage districts.

S. B. 123. An Act providing for the maintenance of county and municipal airports by Department of Highways.

S. B. 130. An Act relating to clerk of police court in cities of second class.

S. B. 133. An Act relating to the compensation of county treasurers.

S. B. 139. An Act requiring the Secretary of State to execute bond.

S. B. 141. An Act relating to inheritance taxes.

S.B. 143. An Act relating to cooperative marketing associations.

S. Res. 18. Resolution authorizing Edith Long, by statutory guardian or next friend, to sue the Commonwealth.

S. Res. 21. Resolution authorizing personal representative of Les Ward, deceased, to sue the Commonwealth.

S. Res. 23. Resolution authorizing Robert Lewis to sue the Commonwealth.

S. Res. 24. Resolution authorizing Floyd Arnett to sue the Commonwealth.

S. Res. 25. Resolution authorizing Richard Campbell to sue the Commonwealth.

S. Res. 26. Resolution authorizing Brent Hinton to sue the Commonwealth.

S. Res. 27. Resolution authorizing George Henderson to sue the Commonwealth.

R. Res. 28. Resolution authorizing James C. Ray to sue the Commonwealth.

S. Res. 29. Resolution authorizing Charles and Dorothy Bryant to sue the Commonwealth.

S. Res. 31. Resolution authorizing B. H. Kelley to sue the Commonwealth.

S. Res. 32. Resolution favoring the establishment of a Game Management Area by the Tennessee Valley Authority on the Kentucky Reservoir.

S. Res. 34. Resolution relating to the establishment of boundary lines between the counties of Barren, Hart and Edmonson.

Ordered that said bills be read the second time.

The Constitutional provision as to the second reading of said bills at length having been dispensed with, said bills were read the second time by their titles only.

Ordered that said bills be placed in the Orders of the Day.

The House took up for consideration from the Clerk's Desk, a bill entitled:

S. B. 84. An Act consenting to the establishment of an independent school district on the Fort Knox Military Reservation.

With an amendment thereto as adopted by the House, in which the Senate refused to concur.

(For bill and amendment see House Journal of March 6.)

Mr. Quill moved that the House do now refuse to recede from said amendment.

Said motion was agreed to, and the House refused to recede from said amendment.

Mr. Quill moved that the Speaker appoint a Committee on Conference on the part of the House and request that the Senate appoint a like Committee on the part of the Senate to confer and settle the differences between the two Houses.

Said motion was agreed to.

Thereupon the Speaker appointed Messrs. Love, Clyde Howard and Harry L. Moore as members constituting said Committee.

Ordered that the Chief Clerk report the action of the House to the Senate.

At the instance of the Committee on Rules, The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 116. An Act relating to State Parks.

Said bill is as follows, viz.:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The Division of Parks in the Department of Conservation is hereby authorized and it shall be its duty immediately upon the passage of this Act to open negotiations to acquire as a State Park a tract of land known as the Simon Bolivar Buckner Farm-Glen Lily. This tract of land of approximately nine hundred and twenty (920) acres, or so much thereof as the said Division may secure or deem wise to acquire to be conveyed for the purpose of this Act, is located near Munfordville, Hart County, Kentucky.

§ 2. The sum of thirty thousand dollars ($30,000.00), or so much thereof as said Division may determine to be a reasonable expenditure for said tract of land and for the improvement and repair of said property, is hereby appropriated to the Simon Bolivar Buckner Revolving Fund to be paid from the surplus of funds in the Treasury in excess of the total appropriation in either 1944-45 or 1945-46. Said Division is hereby authorized to make all arrangements for acquiring the property upon reasonable terms within the limits of this appropriation. The sum which is determined by said Division to be paid for said tract of land shall not be withdrawn from the Treasury until a deed conveying fee simple title to the Commonwealth, free from all encum-

brances, has been executed and delivered to said Division and the title to said land conveyed has been examined by the Attorney General.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	Dr. J. C. Gabbard	Johnston Miller
Henry Arrowood	Franklin Goins	Harry L. Moore
F. H. Bassett, Jr.	J. D. Gross	Herbert V. Moore
Isaac Blevins	R. M. Hall	J. Lee Moore
Douglas T. Bolling	Jas. P. Hallahan	L. D. Moore
J. C. Bradley	Claude Hammons	W. B. Moser
Jno. W. Burkhart	B. C. Holbrook	C. Sid Nabb
Chas. W. Burnley	Benton Howard	Joe E. Nunn
C. D. Call	Clyde S. Howard	H. C. Patterson
Fred Carpenter	Jerry F. Howell	Albert W. Pfeiffer
Willis Champion	J. J. Huff	Sylvester Phillips
John H. Clarke, Jr.	W. H. Hunt	J. Gip Prather
A. Roy Copeland	Lee Johnson	L. W. Preston
Marvin Cornett	Paul S. Jonas	Kleber F. Price
John Henry Cox	Wm. E. Justice	Edw. P. Prichard
John P. Craig	H. Clay Kauffman	James E. Quill
Thos. S. Dawson	M. Kavanaugh	L. Allen Rhoads
Adron Doran	G. M. Knuckles	Wade H. Riley
J. R. Dorman	J. T. Linton	H. G. Royalty
T. H. Dyer	Homer E. Losey	Amos Runyon
Bernie S. Edlin	Pearl McKinney	Carl Scheben
Harry W. Ennis	C. C. May	F. W. Schuhmann

Vernon Seaton	Arthur Stallard	Otis C. Thomas
Leon J. Shaikun	Geo. W. Steinford	John L. Trumbo
Jno. W. Simmons	Joe Stewart	S. J. Wagner
Faust Y. Simpson	Thos. M. Swope	Harry F. Walters
George T. Smith	C. W. Taylor	R. E. West
Robt. J. Spaulding	Roy L. Taylor	Taylor Witt
E. A. Spencer	H. Thieman, Jr.	

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Resolved that the title thereof be as aforesaid.

Mr. Quill moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 284. An Act to provide for the supervision, regulation and control of the intrastate transportation of persons and property by aircraft for hire, etc.

With a Committee amendment thereto by way of Substitute therefor.

Said bill is as follows, viz.:

A BILL to provide for the supervision, regulation and control of the intrastate transportation of persons and property by aircraft for hire, to promote safety in the operation of said aircraft, to preserve, foster, classify and coordinate intrastate aircraft transportation facilities, to insure adequate intrastate air craft transportation services, to give the Public Service Commission jurisdiction and authority to fix, alter, regulate and determine rates, fares, charges and practices of intrastate aircraft common carriers for such purposes, and to

require the observance thereof, to prescribe the powers and duties of said Commission with reference thereto, to provide for appeals from the orders of said Board, and to provide for the enforcement of this Act.

Section 1. *Definitions.* (a) The term "common carrier", when used in this Act, shall include all carriers for hire or compensation by air who operate, or seek to operate, over fixed routes or between fixed termini within the State of Kentucky.

(b) The word "person", when used in this Act, shall mean and include any individual, co-partnership, association, corporation or other form of organization and their lessee, trustees, or receivers, appointed by any Court.

(c) The term "charter operator" shall include all persons not included in the definition of the term common carrier.

(d) The term "Commission", when used in this Act, shall mean and refer to the Public Service Commission.

Section 2. *General Purposes of Act.* It is hereby declared to be the purposes and policy of the legislature in enacting this law to confer upon the Commission the power and authority to make it its duty to supervise and regulate the transportation of persons and property by intrastate aircraft through the air between termini located within the Commonwealth of Kentucky.

Section 3. *Certificate of Public Convenience and Necessity: Determination of Board.* Any person seeking to engage in the operation of an intrastate common carrier of persons or property by aircraft, shall first obtain a certificate of convenience and necessity from the Commission in accordance with the provisions of this Act.

Section 4. *Same: Application, Contents, Fees, Insurance.* Application for such certificate shall be in writing, and shall contain such information as the Commission may require. All applications for a certificate shall be in the form prescribed by the Commission by general rule and shall be accompanied by a filing fee of $25.00, proof of insurance and all other things required by law and the rules and regulations of the Commission.

Section 5. *Same: Hearing, Notice to Interested Parties, Right to Appear: Proceedings. Upon the filing* of an application for a certificate of public convenience and necessity to operate as an intrastate common aircraft carrier, the Commission shall fix a time and place for a hearing thereon and shall cause notice of the filing of such application and of the hearing thereon to be given by mail not less than ten (10) days, exclusive of the date of mailing, before such hearing, addressed to all holders of certificates and applicants therefor whose operations, or proposed operations would be effected by the granting of proposed certificate, and upon any other person deemed by the Commission to have an interest in such proceeding. All interested persons shall have the right to appear and take part in all proceedings before the commission either in person or by counsel. Hearings on such applications shall be conducted in accordance with the rules of evidence and law applicable to the trial of equity cases.

Section 6. *Same: Determination by Commission, Orders of Commission; Rehearing.* The Commission is hereby vested with power and authority and it is hereby made its duty upon the filing of an application for a certificate of public convenience and necessity to hear and determine under such reasonable rules and regulations as it may promulgate whether public convenience and necessity require the proposed service. The Commission may issue such certificate granting the application in whole or in part and may impose such terms and conditions as it may deem proper in the public

interest. The applicant for such certificate shall be entitled thereto only upon showing by competent evidence that the public convenience and necessity requires the proposed service or operation. The Commission shall receive and consider evidence with respect to other forms of transportation, or the service, or facilities thereof, in determining whether public convenience and necessity requires the proposed service or operation. All certificates issued by the Commission shall continue in force and effect until surrendered or revoked for cause. No certificate may be transferred except upon proper application and hearing and upon a finding by the Commission that such transfer is consistent with the public interest. No certificate shall confer any proprietary, property, or exclusive rights in the use of any air space, airport, or other air-navigation facility.

The provisions of this Act shall not apply to charter operators. No certificate shall be required for the transportation of United States mail unless passengers or freight are transported. The jurisdiction of the Commission shall extend only to common carriers engaged in, or who seek to engage in, intrastate commerce. Orders of the Board shall be served upon all parties to said proceedings by the Commission and shall become effective thirty (30) days after such service. Any of said parties to any such hearing, may upon proper petition be granted a rehearing. If any rehearing is granted within thirty (30) days after the issuance of an order, then such order shall not become effective until thirty (30) days after the determination of the Commission following said rehearing proceedings.

Section 7. *Rights; Schedules, Publication and filing; Public Inspection; Powers of Commission.* All common carriers subject to this Act shall before engaging in business file with the Commission and keep open to public inspection at its offices and terminals schedules showing all rates, fares and charges for transportation of passengers, or property

between different points on its route or routes, and also between points on its own route and on the routes of other common carriers, when a through route and joint rate have been established. No intrastate common aircraft carrier shall accept or receive any person or property for transportation until the requirements of this Act have been complied with and no such carrier shall charge, demand, collect, or receive, a greater or less or different remuneration for such transportation, or for any service in connection therewith than the rates, fares and charges which have been legally established and filed with the Commission; nor shall any such carrier refund or remit in any manner or by any device, any portion of the rates, fares and charges so established. The Commission is vested with the power and authority to supervise, regulate and fix, alter and determine just, fair, reasonable and sufficient rates, fares, charges and classifications. No order of the Commission effecting rates, fares and charges shall issue except after notice and hearing on the same and any interested party may appear and take part in any such proceedings.

Section 8. (a) The Commission is empowered to perform such acts, to conduct such investigations, to issue and amend such orders, and to make and amend such general or specific rules, regulations and procedure pursuant to and consistent with the provisions of this Act as it shall deem necessary to carry out such provisions and to exercise and perform its powers and duties under this Act.

(b) The Commission is empowered to confer with or to hold joint hearings with any other State or Federal agency in connection with any matter arising under this act, and to avail itself of the cooperation, services, records and facilities of such agencies, State or Federal, as fully as may be practicable in the administration and enforcement of this chapter.

(c) No certificate shall be issued until there has been

filed with and accepted by the Commission a good and sufficient indemnity bond or insurance policy issued by some surety or insurance company or other insurance carrier duly authorized to transact business as such within this State, which shall provide such terms, conditions and provisions and in such penal sums in such a maximum amount, if any, as the Commission may deem necessary for the reasonable protection of the patrons and of the public in the collections of damages for which the carrier may be liable by reason of the operation under such certificate.

Section 9. The Commission, with the approval of the Governor, may appoint a Director to hold office during the pleasure of the Commission. The person appointed as Director shall be at least twenty-five (25) years of age and shall hold a valid commercial license, or its equivalent, issued by the U. S. Government for the piloting of aircraft and shall have at least five (5) years' experience in the aeronautical industry with at least two hundred (200) certified flying hours as pilot. He shall perform such services as the Commission may direct. The Commission may appoint the same person appointed as Director by the Kentucky Aeronautics Commission. The Director, however, shall have no right to issue or cancel certificates of convenience and necessity.

Section 10. *Revocation and Abandonment.* The Commission may, upon application of any person, or upon its own motion, and upon at least ten days notice to the parties affected thereby, and for good cause, and after an opportunity for a hearing on the same, revoke, suspend, alter, amend or modify any and all of its orders and findings, but no certificate shall be amended, altered, modified, revoked, suspended or impaired except after like notice and opportunity to be heard and upon clear proof of good, just and sufficient cause. Failure to commence operations within the time prescribed in the certificate or order of the Commission, or discontinuance of operations for more than sixty (60) days, shall be deemed

just cause for revocation, but shall not be regarded as the sole cause for such action. No air carrier shall abandon any route or part thereof for which a certificate has been issued by the Commission unless, upon the application of such air carrier after notice and hearing, the Commission shall find such abandonment to be in the public interest. Any interested person may appear and be heard in opposition or in support of any such abandonment. The Commission may, by regulation or otherwise, authorize such temporary suspension of service as may be in the public interest.

Section 11. *Airports, Landing Fields; Facilities, Inspection.* No common carrier shall make use of any landing field or airport for operations of aircraft under its certificate unless it has first obtained from the Commission proper approval for such use. The Commission shall have authority to make rules and to issue orders in connection therewith and to inspect all aircraft, landing fields, airports and other facilities used in any operation authorized by the Commission. The Commission may prescribe rules and regulations and set up standards for all such airports, landing fields, aircraft and other facilities. Such rules may require the payment of a fee to meet the expenses of such inspection and the procedure in connection therewith.

Section 12. Every person coming within the provisions of this Act and every officer, agent or employee of any holder of any certificate issued under this Act and every other person who violates or causes, aids or abets any violation of this Act, or who violates, causes, aids or abets any violation of any order, rule or regulation lawfully issued pursuant to the authority granted by this Act shall, upon conviction, be punished by a fine of not more than five hundred dollars ($500.00). The prosecution may be had in the circuit court of any county in which the offense or any part thereof shall have occurred.

Section 13. *Appeals.* (a) The applicant or the holder of any certificate shall have the right of an appeal from any action of the Commission by filing within forty days after the rendition of the order of the Commission a petition of appeal with the Clerk of the Franklin Circuit Court. Such petition shall state completely the grounds upon which the review is sought, and shall assign all errors relied on and shall be accompanied by a copy of the record certified by the Commission, or an abstract thereof, if agreed to by all parties to the hearing before said Commission.

(b) The person appealing shall furnish copies of the petition to each person who is a party to the hearing before such Commission.

(c) Summons shall be issued upon the petition directing the adverse party or parties to file answer within fifteen days after service thereof.

(d) No new or additional evidence may be introduced in the Circuit Court except as to fraud or misconduct of some person engaged in the administration of this Act, or affecting the order, ruling or award, but the court shall otherwise hear the case upon the certified record or abstract thereof, and shall dispose of the case in a summary manner, its review being limited to determining whether or not:

(1) The Commission acted without or in excess of its power;

(2) The order, decree or award was secured by fraud;

(3) The order, decision or award is not in conformity with provisions of the Act; or

(4) The finding of facts in issue is not supported by any substantial evidence.

(e) The Commission and each party shall have the right to appeal in such review proceedings. The court shall enter

judgment confirming, modifying or setting aside the order, decision or award, or in its discretion remanding the case to the Commission for proceedings in conformity with direction of the court.

(f) The court may advance a judgment, and upon a sufficient showing of facts, remand the cause to said Commission:

(g) Any party may appeal from the decision of the Circuit Court to the Court of Appeals of Kentucky. Such appeals from the order of the Commission or to the Court of Appeals shall have precedence over other cases pending.

Section 14. *Severing Clause.* If any section, sub-section, clause, sentence or phrase of this Act is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Act. The legislature hereby declares that it would have passed this Act and each section, sub-section, sentence, clause or phrase thereof irrespective of the fact that any one or more of the sections, sub-sections, sentences, clauses or phrases be declared unconstitutional.

Section 15. This Act shall take effect on and after its passage and approval by the Governor.

Said Substitute is as follows, viz.:

Ordered to be printed.

A BILL to provide for the supervision, regulation and control of the intrastate transportation of persons and property by aircraft for hire, to promote safety in the operation of said aircraft, to preserve, foster, classify and coordinate intrastate aircraft transportation facilities, to insure adequate intrastate air craft transportation services, to give the Public Service Commission jurisdiction and authority to fix, alter, regulate and determine rates, fares, charges and

practices of intrastate aircraft common carriers and charter operators for such purposes, and to require the observance thereof, to prescribe the powers and duties of said Commission with reference thereto, to provide for appeals from the orders of said Board, and to provide for the enforcement of this Act.

Section 1. *Definition.* (a) The term "common carrier", when used in this Act, shall include all carriers for hire or compensation by air who operate, or seek to operate, over fixed routes or between fixed termini within the State of Kentucky.

(b) The word "person", when used in this Act, shall mean and include any individual, co-partnership, association, corporation or other form of organization and their lessee, trustees, or receivers, appointed by any Court.

(c) The term "charter operator" shall include all persons not included in the definition of the term common carrier, and specifically those persons who transport persons or property in intrastate commerce for hire on unschedule service and not between fixed points.

(d) The term "Commission", when used in this Act, shall mean and refer to the Public Service Commission.

(e) The term "Civil Aeronautics Authority" shall mean that authority of board of the United States Government empowered to regulate interstate commerce by aircraft.

Section 2. *General Purposes of Act.* It is hereby declared to be the purposes and policy of the legislature in enacting this law to confer upon the Commission the power and authority to make it its duty to supervise and regulate the transportation of persons and property for hire by aircraft operating intrastate commerce thru the air between termini located within the Commonwealth of Kentucky.

Section 3. *Certificate of Public Convenience and Necessity: Determination of Board.* Any person seeking to engage in the operation of a common carrier or charter operator in intrastate commerce of persons or property by aircraft, shall first obtain a certificate of convenience and necessity from the Commission in accordance with the provisions of this Act. All certificates issued to common carriers shall automatically grant to such common carriers the right to conduct charter operations that originate at a point on said carrier's route to any other point in the State, and return.

Section 4. *Same: Application, Contents, Fees, Insurance.* Application for such certificate shall be in writing, and shall contain such information as the Commission may require. All applications for a certificate shall be in the form prescribed by the Commission by general rule and shall be accompanied by a filing fee of $25.00, proof of insurance and all other things required by law and the rules and regulations of the Commission.

Section 5. *Same: Hearing, Notice to Interested Parties, Right to Appear: Proceedings.* Upon the filing of an application for a certificate of public convenience and necessity to operate as a common carrier or charter operator in intrastate commerce, the Commission shall fix a time and place for a hearing thereon and shall cause notice of the filing of such application and of the hearing thereon to be given by mail not less than ten (10) days, exclusive of the date of mailing, before such hearing, addressed to all holders of certificates and applicants therefor whose operations, or proposed operations would be affected by the granting of the proposed certificate, and upon any other person deemed by the Commission to have an interest in such proceeding. All interested persons shall have the right to appear and take part in all proceedings before the commission either in person or by counsel. Hearings on such applications shall be conducted in

accordance with the rules of evidence and law applicable to the trial of equity cases.

Section 6. *Same: Determination by Commission, Orders, of Commission; Rehearing.* The Commission is hereby vested with power and authority and it is hereby made its duty upon the filing of an application for a certificate of public convenience and necessity to hear and determine under such reasonable rules and regulations as it may promulgate whether public convenience and necessity require the proposed service. The Commission may issue such certificate granting the application in whole or in part and may impose such terms and conditions as it may deem proper in the public interest. The applicant for such certificate shall be entitled thereto only upon showing by competent evidence that the public convenience and necessity requires the proposed service or operation. The Commission shall receive and consider evidence with respect to other forms of transportation, or the service, or facilities thereof, in determining whether public convenience and necessity requires the proposed service or operation. All certificates issued by the Commission shall continue in force and effect until surrendered or revoked for cause. No certificate may be transferred except upon proper application and hearing and upon a finding by the Commission that such transfer is consistent with the public interest. No certificate shall confer any proprietary, property, or exclusive rights in the use of any air space, airport, or other air-navigation facility, provided, however, that no service shall be authorized that will be injurious to a common carrier operating under a certificate of convenience and necessity.

No certificate shall be required for the transportation of United States mail unless passengers or freight are transported. The jurisdiction of the Commission shall extend only to common carriers and charter operators engaged in, or who seek to engage in, intrastate commerce. Orders of the

Board shall be served upon all parties to said proceedings by the Commission and shall become effective thirty (30) days after such service. Any of said parties to any such hearing, may upon proper petition be granted a rehearing. If any rehearing is granted within thirty (30) days after the issuance of an order, then such order shall not become effective until thirty (30) days after the determination of the Commssion following said rehearing proceedings.

Section 7. *Rights; Schedules, Publication and filing; Public Inspection; Powers of Commission.* All common carriers subject to this Act shall before engaging in business file with the Commission and keep open to public inspection at its offices and terminals schedules showing all rates, fares and charges for transportation of passengers, or property between different points on its route or routes, and also between points on its own route and on the routes of other common carriers, when a through route and joint rate have been established. No intrastate common aircraft carrier shall accept or receive any person or property for transportation until the requirements of this Act have been complied with and no such carrier shall charge, demand, collect, or receive, a greater or less or different remuneration for such transportation, or for any service in connection therewith than the rates, fares and charges which have been legally established and filed with the Commission; nor shall any such carrier refund or remit in any manner or by any device, any portion of the rates, fares and charges so established when service is rendered in accordance with published tariffs. The Commission is vested with the power and authority to supervise, regulate and fix, alter and determine just, fair, reasonable and sufficient rates, fares, charges and classifications. No order of the Commission effecting rates, fares and charges shall issue except after notice and hearing on the same and any interested party may appear and take part in any such proceedings.

Section 8. (a) The Commission is empowered to perform such acts, to conduct such investigations, to issue and amend such orders, and to make and amend such general or specific rules, regulations and procedure pursuant to and consistent with the provisions of this Act as it shall deem necessary to carry out such provisions and to exercise and perform its powers and duties under this Act, provided that such rules and regulations shall not be inconsistent with the rules and regulations of the Civil Aeronautics Authority.

(b) The Commission is empowered to confer with or to hold joint hearings with any other state or Federal agency in connection with any matter arising under this act, and to avail itself of the cooperation, services, records and facilities of such agencies, State or Federal, as fully as may be practicable in the administration and enforcement of this chapter.

(c) No certificate shall be issued until there has been filed with and accepted by the Commission a good and sufficient indemnity bond or insurance policy issued by some surety or insurance company or other insurance carrier duly authorized to transact business as such within this State, which shall provide such terms, conditions and provisions and in such penal sums in such a maximum amount, if any, as the Commission may deem necessary for the reasonable protection of the patrons and of the public in the collections of damages for which the carrier may be liable by reason of the operation under such certificate, provided that the requirements of the Commission shall not exceed those of the Civil Aeronautics Authority.

Section 9. The Commission, with the approval of the Governor, may appoint a Director to hold office during the pleasure of the Commission. The person appointed as Director shall be at least twenty-five (25) years of age and shall

hold a valid commercial license, or its equivalent, issued by the U. S. Government for the piloting of aircraft and shall have at least five (5) years' experience in the aeronautical industry with at least two hundred (200) certified flying hours as pilot. He shall perform such services as the Commission may direct. The Commission may appoint the same person appointed as Director by the Kentucky Aeronautics Commission. The Director, however, shall have no right to issue or cancel certificates of convenience and necessity.

Section 10. *Revocation and Abandonment.* The Commission may, upon application of any person, or upon its own motion, and upon at least ten days notice to the parties affected thereby, and for good cause, and after an opportunity for a hearing on the same, revoke, suspend, alter, amend or modify any and all of its orders and findings, but no certificate shall be amended, altered, modified, revoked, suspended or impaired except after like notice and opportunity to be heard and upon clear proof of good, just and sufficient cause. Failure to commence operations within the time prescribed in the certificate or order of the Commission, or discontinuance of operations for more than sixty (60) days, shall be deemed just cause for revocation, but shall not be garded as the sole cause for such action; provided, however, that for good cause the Commission may extend the time for start of operation beyond that set forth in the certificate. No air carrier shall abandon any route or part thereof, for which a certificate has been issued by the Commission unless, upon the application of such air carrier after notice and hearing, the commission shall find such abandonment to be in the public interest. Any interested person may appear and be heard in opposition or in support of any such abandonment. The Commission may, by regulation or otherwise, authorize such temporary suspension of service as may be in the public interest.

Section 11. *Airports, Landing Fields; Facilities, Inspection.* No common carrier shall make use of any landing field or airport for operations of aircraft under its certificate unless it has first obtained from the Commission proper approval for such use. The Commission shall have authority to make rules and to issue orders in connection therewith and to inspect all aircraft, landing fields, airports and other facilities used in any operation authorized by the Commission. The Commission may prescribe rules and regulations and set up standards for all such airports, landing fields, aircraft and other facilities. Such rule may require the payment of a fee to meet the expenses of such inspection and the procedure in connection therewith.

Section 12. Every person coming within the provisions of this Act and every officer, agent or employee of any holder of any certificate issued under this Act and every other person who violates or causes, aids or abets any violation of this Act, or who violates, causes, aids or abets any violation of any order, rule or regulation lawfully issued pursuant to the authority granted by this Act shall, upon conviction, be punished by a fine of not more than five hundred dollars ($500.00). The prosecution may be had in the circuit court of any county in which the offense or any part thereof shall have occurred.

Section 13. *Appeals.* (a) The applicant or the holder of any certificate shall have the right of an appeal from any action of the Commission by filing within forty days after the rendition of the order of the Commission a petition of appeal with the Clerk of the Franklin Circuit Court. Such petition shall state completely the grounds upon which the review is sought, and shall assign all errors relied on and shall be accompanied by a copy of the record certified by the Commission, or an abstract thereof, if agreed to by all parties to the hearing before said Commission.

(b) The person appealing shall furnish copies of the petition to each person who is a party to the hearing before such Commission.

(c) Summons shall be issued upon the petition directing the adverse party or parties to file answer within fifteen days after service thereof.

(d) No new or additional evidence may be introduced in the Circuit Court except as to fraud or misconduct of some person engaged in the administration of this Act, or affecting the order, ruling or award, but the court shall otherwise hear the case upon the certified record or abstract thereof, and shall dispose of the case in a summary manner, its review being limited to determining whether or not:

(1) The Commission acted without or in excess of its power;

(2) The order, decree or award was secured by fraud;

(3) The order, decision or award is not in conformity with provisions of the Act; or

(4) The finding of facts in issue is not supported by any substantial evidence.

(e) The Commission and each party shall have the right to appeal in such review proceedings. The court shall enter judgment confirming, modifying or setting aside the order, decision or award, or in its discretion remanding the case to the Commission for proceedings in conformity with direction of the court.

(f) The court may advance a judgment, and upon a sufficient showing of facts, remand the cause to said Commission.

(g) Any party may appeal from the decision of the Circuit Court to the Court of Appeals of Kentucky. Such

appeals from the order of the Commission or to the Court of Appeals shall have precedence over other cases pending.

Section 14. *Severing Clause.* If any section, sub-section, clause, sentence or phrase of this Act is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Act. The legislature hereby declares that it would have passed this Act and each section, sub-section, sentence, clause or phrase thereof irrespective of the fact that any one or more of the sections, sub-sections, sentences, clauses or phrases be declared unconstitutional.

Section 15. This Act shall take effect on and after its passage and approval by the Governor.

Said Substitute was then adopted.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with and the same having been engrossed, said bill was read the third time by its title only and passed.

The yeas and nays beingt taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	Fred Carpenter	J. D. Gross
Henry Arrowood	Jno. H. Clarke, Jr.	Jas. P. Hallahan
F. H. Bassett, Jr.	Marvin Cornett	Clyde S. Howard
Isaac Blevins	Thos. S. Dawson	B. C. Holbrook
Douglas T. Bolling	J. R. Dorman	Benton Howard
J. C. Bradley	T. H. Dyer	Jerry F. Howell
Jno. W. Burkhart	Bernie S. Edlin	J. J. Huff
C. D. Call	Franklin Goins	W. H. Hunt

Lee Johnson	Joe E. Nunn	George T. Smith
Paul S. Jonas	H. C. Patterson	Robt. J. Spaulding
H. Clay Kauffman	Albert W. Pfeiffer	E. A. Spencer
M. Kavanaugh	Sylvester Phillips	Arthur Stallard
G. M. Knuckles	J. Gip Prather	Geo. W. Steinford
J. T. Linton	L. W. Preston	Thos. M. Swope
Homer E. Losey	Kleber F. Price	C. W. Taylor
Pearl McKinney	Edw. P. Prichard	Roy L. Taylor
C. C. May	James E. Quill	Otis C. Thomas
Johnston Miller	Wade H. Riley	E. B. Thompson
Harry L. Moore	Amos Runyon	John L. Trumbo
Herbert V. Moore	Carl Scheben	S. J. Wagner
J. Lee Moore	F. W. Schuhmann	Harry F. Walters
L. D. Moore	Vernon Seaton	R. E. West
W. B. Moser	Jno. W. Simmons	
C. Sid Nabb	Faust Y. Simpson	—70

Those who voted in the negative were—

Chas. W. Burnley	A. Roy Copeland	C. R. Reeves

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Resolved that the title thereof be as amended.

Mr. Prichard moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 320. An Act to amend KRS 296.040, 297.120, 297.130, and to create KRS 297.131 and 297.132, relating to life insurance policies, establishing minimum standards of reserves to be maintained thereon and establishing minimum nonforfeiture benefits therefor.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 296.040 is amended to read as follows:

Sec. 296.040. Valuation of outstanding life policies in this state; payment of cost. (1) The director shall annually value, or cause to be valued, the reserve liabilities (hereinafter called reserves) for all outstanding life insurance policies and annuity and pure endorsement contracts of every life insurance company doing business in this state, and may certify the amount of any such reserves, specifying the mortality table or tables, rate or rates of interest and methods (net level premium method or other) used in the calculation of such reserves. In calculating such reserves, he may use group methods and approximate averages for fractions of a year or otherwise. In lieu of the valuation of the reserves herein required of any foreign or alien company, he may accept any valuation made, or caused to be made, by the insurance supervisory official of any state or other jurisdiction when such valuation complies with the minimum standard herein provided and if the official of such state or jurisdiction accepts as sufficient and valid for all legal purposes the certificate of valuation of the director when such certificate states the valuation to have been made in a specified manner according to which the aggregate reserves would be at least as large as if they had been computed in the manner prescribed by the law of that state or jurisdiction. The cost of making valuations under this section shall be assessed on the company whose policies are so valued.

Any such company which at any time shall have adopted any standard of valuation producing greater aggregate reserves than those calculated according to the minimum standard herein provided may, with the approval of the director, adopt any lower standard of valuation, but not lower than the minimum herein provided.

(2) The minimum standard for the valuation of all such policies and contracts issued prior to the operative date of KRS 297.131 (the Standard Non-forfeiture Law) shall be that provided by the laws in effect immediately prior to such date.

Reserves for all such policies and contracts may be calculated, at the option of the company, according to any standards which produce greater aggregate reserves for all such policies and contracts than the minimum reserves required by this subsection.

(3) This subsection shall apply to only those policies and contracts issued on or after the operative date of KRS 297.131 (the Standard Non-forfeiture Law).

(a) The minimum standard for the valuation of all such policies and contracts shall be the Commissioners reserve valuation method defined in paragraph (b), three and one-half per cent (3½%) interest, and the following tables:

(i) For all Ordinary policies of life insurance issued on the standard basis, excluding any disability and accidental death benefits in such policies—the Commissioners 1941 Standard Ordinary Mortality Table.

(ii) For all Industrial life insurance policies issued on the standard basis, excluding any disability and accidental death benefits in such policies—the 1941 Standard Industrial Mortality Table.

(iii) For Annuity and Pure Endowment contracts, excluding any disability and accidental death benefits in such policies—the 1937 Standard Annuity Mortality Table.

(iv) For Total and Permanent Disability benefits in or supplementary to Ordinary policies or contracts—Class (3) Disability Table (1926) which, for active lives, shall be combined with a mortality table permitted for calculating the reserves for life insurance policies.

(v) For Accidental Death benefits in or supplementary to policies—the Inter-Company Double Indemnity Mortality Table combined with a mortality table permitted for calculating the reserves for life insurance policies.

(vi) For Group Life insurance, life insurance issued on the substandard basis and other special benefits—such tables as may be approved by the director.

(b) Reserves according to the Commissioners reserve valuation method, for the life insurance and endowment benefits of policies providing for a uniform amount of insurance and requiring the payment of uniform premiums shall be the excess, if any, of the present value, at the date of valuation, of such future guaranteed benefits provided for by such policies, over the then present value of any future modified net premiums therefor. The modified net premiums for any such policy shall be such uniform percentage of the respective contract premiums for such benefits that the present value, at the date of issue of the policy, of all such modified net premiums shall be equal to the sum of the then present value of such benefits provided for by the policy and the excess of (A) over (B), as follows:

(A) A net level annual premium equal to the present value, at the date of issue, of such benefits provided for after the first policy year, divided by the present value, at the date of issue, of an annuity of one dollar per annum payable on the first and each subsequent anniversary of such policy on which a premium falls due; provided, however, that such net level annual premium shall not exceed the net level annual premium on the nineteen year premium whole life plan for insurance of the same amount at an age one year higher than the age at issue of such policy.

(B) A net one year term premium for such benefits provided for in the first policy year.

Reserves according to the Commissioners reserve valuation method for (1) life insurance policies providing for a varying amount of insurance or requiring the payment of varying premiums, (2) annuity and pure endowment contracts, (3) disability and accidental death benefits in all policies and contracts, and (4) all other benefits, except life insurance and endowment benefits in life insurance policies, shall be calculated by a method consistent with the principles of this paragraph (b).

(c) In no event shall a company's aggregate reserves for all life insurance policies, excluding disability and accidental death benefits be less than the aggregate reserves calculated in accordance with the method set forth in paragraph (b) and the mortality table or tables and rate or rates of interest used in calculating non-forfeiture benefits for such policies.

(d) Reserves for any category of policies, contracts or benefits as established by the director, may be calculated, at the option of the company, according to any standards which produce greater aggregate reserves for such category than those calculated according to the minimum standard herein provided, but the rate or rates of interest used shall not be higher than the corresponding rate or rates of interest used in calculating any non-forfeiture benefits provided for therein. Provided, however, that reserves for participating life insurance policies may, with the consent of the director, be calculated according to a rate of interest lower than the rate of interest used in calculating the non-forfeiture benefits in such policies, with the further proviso that if such lower rate differs from the rate used in the calculation of the non-forfeiture benefits by more than one-half per cent (½%) the company issuing such policies shall file with the director a plan providing for such equitable increases, if any, in the cash surrender values and non-forfeiture benefits in such policies as the director shall approve.

(e) If the gross premium charged by any life insurance company on any policy or contract is less than the net premium for the policy or contract according to the mortality table, rate of interest and method used in calculating the reserve thereon, there shall be maintained on such policy or contract a deficiency reserve in addition to all other reserves required by law. For each such policy or contract the deficiency reserve shall be the present value, according to such standard, of an annuity of the difference between such net premium and the premium charged for such policy or contract, running for the remainder of the premium-paying period.

Section 2. KRS 297.120 is amended to read as follows:

Section 297.120.* Ordinary plan life insurance; cash surrender, paid-up insurance of loan value on default of payment of premiums. (1) No policy of life or endowment insurance upon the ordinary plan, other than pure endowments with or without return of premiums, issued prior to the operative date of KRS 297.131 (the Standard Non-forfeiture Law), shall be issued or delivered in this state, or be issued by any domestic life insurance company, unless it contains in substances the following provisions:

(a) A provision that in event of default in premium payments, after premiums have been paid for three years, the insured shall be entitled to a stipulated form of insurance the net value of which shall be at least equal to the reserve on the policy at the date of default (the policy to specify the mortality table and rate of interest adopted for computing the reserve and its conversion into paid-up or extended insur-

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* This section is identical with present section 297.120 except for the insertion of the words "issued prior to the operative date of KRS 297.131 (the standard Non-forfeiture Law)."

ance), less a specified percentage of not more than two and one-half per cent of the amount insured by the policy, and of any existing dividend additions thereto, and less any existing indebtedness to the company on or secured by the policy. The reserve shall be computed on a basis that will make the reserve, before any deductions have been made, not less than if computed in accordance with KRS 297.080, except that in the case of intermediate policies issued in units of five hundred dollars, which call for the payment of higher premiums than those charged for standard risks in policies of one thousand dollars or more, as well as in the case of policies which, by reason of residence, occupation or personal or family history or impaired health, also call for the payment of higher premiums than those charged for standard risks, the reserve may be based upon the table of mortality and rate of interest stated in the policy in lieu of that prescribed by KRS 297.080. There shall be a further provision that the policy may be surrendered to the company at its home office within one month of date of default for a specified cash value at least equal to the sum that would otherwise be available for the purchase of insurance as aforesaid in which case the company may defer payment for not more than three months after the application therefor is made. The provisions of this paragraph shall not be required in term insurance of twenty years or less.

(b) A provision specifying the options to which the policyholder is entitled in the event of default in a premium payment after three full annual premiums have been paid. This provision shall not be required in term insurance of twenty years or less. A provision may also be inserted in the policy that in event of default in a premium payment before the options become available, the reserve on any dividend additions then in force may, at the option of the company, be paid in cash or applied as a net premium to the purchase of paid-up term insurance for any amount not in excess of the face of the original policy, and any other provision favorable

to the insured not in conflict with the provisions herein specified may be inserted.

(c) A table showing in figures the loan values and the options available under the policy each year after the third year upon default in premium payments, during at least the first twenty years of the policy or during the premium-paying period if less than twenty years, and where either the cash or loan value, the paid-up insurance or the extended insurance as specified in the table equals or exceeds the amounts that would be required under paragraph (a) of this subsection, then the values specified in the table shall be binding both upon the company and the insured, subject only to such adjustments by reason of any outstanding indebtedness to the company on the policy as may be provided for in the policy. If the insured elects to avail himself of any of the options as specified in the table or if one of these options becomes automatically effective in event of lapse and in accordance with the terms of the policy contract, then the granting of either value specified in the table shall be in full settlement and satisfaction of all claims under the policy.

(2) In construing the provisions of this section, ordinary insurance or insurance upon the ordinary plan shall be considered to be insurance that may be paid for by a single premium, by annual premiums or by semi-annual or quarterly or other installments thereon at the option of the company.

(3) Any condition or stipulation in the policy of insurance or elsewhere contrary to the provisions of this section, and any waiver of such provisions by the assured, shall be void.

Section 3. KRS 297.130 is amended to read as follows:

Sec. 297.130.* Industrial plan life insurance; cash surrender value or paid-up insurance on default of payment of premiums. (1) No policy of life or endowment insurance upon the industrial plan, issued prior to the operative date of KRS 297.131 (the Standard Non-forfeiture Law), shall be issued or delivered in this state, or be issued by any domestic life insurance company, unless it contains in substance a provision that, in event of default of premium payments after premiums have been paid for five years, the insured shall be entitled to a stipulated form of insurance the net value of which shall be at least equal to two-thirds of the reserve on the policy at date of default, from which any existing indebtedness to the company on or secured by the policy shall be deducted. The reserve shall be computed on a basis that will make the reserve not less than if computed in accordance with KRS 297.080. In computing paid-up or extended insurance under this subsection the company may use single premiums based upon the standard industrial table of mortality with interest at not more than four per cent per annum. On industrial policies defaulting and surrendered to the company on their fifth or any succeeding anniversary, application for a paid-up or extended policy shall be made in writing within eight weeks after the due date of the first defaulted premium on blanks obtainable from the company for that purpose.

(2) Every such policy, subject to conditions as to paid-up and extended insurance values, after the payment of five full years' premiums thereon shall have a cash surrender value which shall not be less than seventy per cent of the reserve that would be required for the aforesaid paid-up or extended insurance, after deducting for all indebtedness as

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* This section is identical with present section 297.130 except for the insertion of the words "issued prior to the operative date of KRS 297.131 (the Standard Non-forfeiture Law)."

above provided. Application for the cash surrender value shall be made in writing within eight weeks after default, on blanks obtainable from the company for that purpose. On policies of industrial insurance where the weekly premiums are less than fifty cents each it shall be optional with the company issuing the policy to pay either the cash surrender value or issue paid-up or extended insurance, and upon such payment the company shall be absolutely released from all further claims under or by reason of the policy, which shall then be canceled.

(3) The provisions of this section shall not apply to policies issued on the lives of persons under ten years of age until five years after they attain that age.

(4) In construing the provisions of this section, industrial insurance shall be considered to be insurance purchasable solely by weekly premiums.

(5) Any condition or stipulation in the policy of insurance or elsewhere contrary to the provisions of this section, and any waiver of such provisions by the assured, shall be void.

Section 4. KRS 297.131 is created to read as follows:

Sec. 297.131. Standard Non-forfeiture Law. (1) In the case of policies issued on or after the operative date of this section, as defined in subsection (9), no policy of life insurance, except as stated in subsection (6), shall be issued or delivered in this state unless it shall contain in substance the following provisions, or corresponding provisions which in the opinion of the director are at least as favorable to the defaulting or surrendering policyholder:

(i) That, in the event of default in a premium payment, the company will grant, upon proper request not later than sixty days after the due date of the premium in default, a

paid-up non-forfeiture benefit on a plan stipulated in the policy, effective as of such due date, of such value as may be hereinafter specified.

(ii) That, upon surrender of the policy within sixty days after the due date of any premium payment in default after premiums have been paid for at least three full years in the case of Ordinary insurance or five full years in the case of Industrial insurance, the company will pay, in lieu of any paid-up non-forfeiture benefit, a cash surrender value of such amount as may be hereinafter specified.

(iii) That a specified paid-up non-forfeiture benefit shall become effective as specified in the policy unless the person entitled to make such election elects another available option not later than sixty days after the due date of the premium in default.

(iv) That, if the policy shall have become paid up by completion of all premium payments or if it is continued under any paid-up non-forfeiture benefit which became effective on or after the third policy anniversary in the case of Ordinary insurance or the fifth policy anniversary in the case of Industrial insurance, the company will pay, upon surrender of the policy within thirty days after any policy anniversary, a cash surrender value of such amount as may be hereinafter specified.

(v). A statement of the mortality table and interest rate used in calculating the cash surrender values and the paid-up non-forfeiture benefits available under the policy, together with a table showing the cash surrender value, if any, and paid-up non-forfeiture benefit, if any, available under the policy on each policy anniversary either during the first twenty policy years or during the term of the policy, whichever is shorter, such values and benefits to be calculated upon the assumption that there are no dividends or paid-up addi-

tions credited to the policy and that there is no indebtedness to the company on the policy.

(vi) A statement of the method to be used in calculating the cash surrender value and the paid-up non-forfeiture benefit available under the policy on any policy anniversary with an explanation of the manner in which the cash surrender values and the paid-up non-forfeiture benefits are altered by the existence of any paid-up additions credited to the policy or any indebtedness to the company on the policy.

Any of the foregoing provisions or portions thereof not applicable by reason of the plan of insurance may, to the extent inapplicable, be omitted from the policy.

The company shall reserve the right to defer the payment of any cash surrender value for a period of six months after demand therefor with surrender of the policy.

(2) Any cash surrender value available under the policy in the event of default in a premium payment due on any policy anniversary, whether or not required by subsection (1), shall be an amount not less than the excess, if any, of the present value, on such anniversary, of the future guaranteed benefits which would have been provided for by the policy, including any existing paid-up additions, if there had been no default, over the sum of (a) the then present value of the adjusted premiums as defined in subsection (4), corresponding to premiums which would have fallen due on and after such anniversary, and (b) the amount of any indebtedness to the company on the policy. Any cash surrender value available within thirty days after any policy anniversary under any policy paid up by completion of all premium payments or any policy continued under any paid-up non-forfeiture benefit, whether or not required by subsection (1), shall be an amount not less than the present value, on such anniversary, of the future guaranteed benefits provided for by the policy, includ-

ing any existing paid-up additions, decreased by any indebtedness to the company on the policy.

(3) Any paid-up non-forfeiture benefit available under the policy in the event of default in a premium payment due on any policy anniversary shall be such that its present value as of such anniversary shall be at least equal to the cash surrender value then provided for by the policy or, if none is provided for, that cash surrender value which would have been required by this section in the absence of the condition that premiums shall have been paid for at least a specified period.

(4) The adjusted premiums for any policy shall be calculated on an annual basis and shall be such uniform percentage of the respective premiums specified in the policy for each policy year that the present value, at the date of issue of the policy, of all such adjusted premiums shall be equal to the sum of (i) the then present value of the future guaranteed benefits provided for by the policy; (ii) two per cent of the amount of insurance, if the insurance be uniform in amount, or of the equivalent uniform amount, as hereinafter defined, if the amount of insurance varies with duration of the policy; (iii) forty per cent of the adjusted premium for the first policy year; (iv) twenty-five per cent of either the adjusted premium for the first policy year or the adjusted premium for a whole life policy of the same uniform or equivalent uniform amount with uniform premiums for the whole of life issued at the same age for the same amount of insurance, whichever is less. Provided, however, that in applying the percentages specified in (iii) and (iv) above, no adjusted premium shall be deemed to exceed four per cent (4%) of the amount of insurance or level amount equivalent thereto. The date of issue of a policy for the purpose of this subsection shall be the date as of which the rated age of the insured is determined.

In the case of a policy providing an amount of insurance varying with duration of the policy, the equivalent level

amount thereof for the purpose of this subsection shall be deemed to be the level amount of insurance provided by an otherwise similar policy, containing the same endowment benefit or benefits, if any, issued at the same age and for the same term, the amount of which does not vary with duration and the benefits under which have the same present value at the inception of the insurance as the benefits under the policy.

All adjusted premiums and present values referred to in this section shall be calculated on the basis of the Commissioners 1941 Standard Ordinary Mortality Table for Ordinary insurance and the 1941 Standard Industrial Mortality Table for Industrial insurance and the rate of interest, not exceeding three and one-half per cent (3½%) per annum specified in the policy for calculating cash surrender values and paid-up non-forfeiture benefits. Provided, however, that in calculating the present value of any paid-up term insurance with accompanying pure endowment, if any, offered as a non-forfeiture benefit, the rates of mortality assumed may be not more than one hundred and thirty per cent (130%) of the rates of mortality according to such applicable table. Provided, further, that for insurance issued on a substandard basis, the calculation of any such adjusted premiums and present values may be based on such other table of mortality as may be specified by the company and approved by the director.

(5) Any cash surrender value and any paid-up non-forfeiture benefit, available under the policy in the event of default in a premium payment due at any time other than on the policy anniversary, shall be calculated with allowance for the lapse of time and the payment of fractional premiums beyond the last preceding policy anniversary. All values referred to in subsections (2) (3) and (4) may be calculated upon the assumption that any death benefit is payable at the end of the policy year of death. The net value of any paid-up additions, other than paid-up term additions, shall be not less

than the dividends used to provide such additions. Notwithstanding the provisions of subsection (2), additional benefits payable (a) in the event of death or dismemberment by accident or accidental means, (b) in the event of total and permanent disability, (c) as reversionary annuity or deferred reversionary annuity benefits, (d) as decreasing term insurance benefits provided by a rider or supplemental policy provision to which, if issued as a separate policy, this section would not apply, and (e) as other policy benefits additional to life insurance and endowment benefits, and premiums for all such additional benefits, shall be disregarded in ascertaining cash surrender values and non-forfeiture benefits required by this section, and no such additional benefits shall be required to be included in any paid-up non-forfeiture benefits.

(6) This section shall not apply to any reinsurance, group insurance, pure endowment, annuity or reversionary annuity contract, nor to any term policy of uniform amount, or renewal thereof, of fifteen years or less expiring before age sixty-six, for which uniform premiums are payable during the entire term of the policy, nor to any term policy of decreasing amount on which each adjusted premium, calculated as specified in subsection (4), is less than the adjusted premium so calculated, on such fifteen year term policy issued at the same age and for the same initial amount of insurance, nor to any policy which shall be delivered outside this state through an agent or other representative of the company issuing the policy.

(7) In construing the provisions of this section, ordinary insurance or insurance upon the ordinary plan shall be considered to be insurance that may be paid for by a single premium, by annual premiums or by semi-annual or quarterly or other installments thereon at the option of the company; and industrial insurance shall be considered to be insurance purchasable solely by weekly premiums.

(8) Any condition or stipulation in the policy of insurance or elsewhere contrary to the provisions of this section, and any waiver of such provisions by the assured, shall be void.

(9) After the effective date of this Act, any company may file with the director a written notice of its election to comply with the provisions of this section after a specified date before January first, nineteen hundred and forty-eight. After the filing of such notice, then upon such specified date (which shall be the operative date for such company), this section shall become operative with respect to the policies thereafter issued by such company. If a company makes no such election, the operative date of this section for such company shall be January first, nineteen hundred and forty-eight.

Section 5. KRS 297.132 is created to read as follows:

Sec. 297.132. Policy loans. No policy issued on or after the operative date of KRS 297.131 shall be issued or delivered in this state or be issued by any domestic life insurance company unless it contains a table showing in figures the loan values available either during the first twenty policy years or during the term of the policy, whichever is shorter. The company shall reserve the right to defer such loan, except when made to pay premiums, for six months after application therefor is made. This section shall not apply to any industrial policy, term policy, reinsurance, group insurance, pure endowment, annuity or reversionary annuity contract, nor to any policy which shall be delivered outside this state through an agent or other representative of the company issuing the policy.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	B. C. Holbrook	L. W. Preston
Henry Arrowood	Jerry F. Howell	Kleber F. Price
F. H. Bassett, Jr.	J. J. Huff	Edw. P. Prichard
Isaac Blevins	W. H. Hunt	James E. Quill
Douglas T. Bolling	Lee Johnson	C. R. Reeves
J. C. Bradley	Paul S. Jonas	L. Allen Rhoads
Jno. W. Burkhart	Wm. E. Justice	Wade H. Riley
Chas. W. Burnley	H. Clay Kauffman	Amos Runyon
C. D. Call	G. M. Knuckles	Carl Scheben
Fred Carpenter	Homer E. Losey	F. W. Schuhmann
John H. Clarke, Jr.	Pearl McKinney	Vernon Seaton
A. Roy Copeland	C. C. May	Jno. W. Simmons
Marvin Cornett	Johnston Miller	Faust Y. Simpson
John P. Craig	Herbert V. Moore	Robt. J. Spaulding
Thos. S. Dawson	J. Lee Moore	Thos. M. Swope
Adron Doran	L. D. Moore	C. W. Taylor
J. R. Dorman	W. B. Moser	Egbert V. Taylor
T. H. Dyer	C. Sid Nabb	Roy L. Taylor
Bernie S. Edlin	Joe E. Nunn	E. B. Thompson
Harry W. Ennis	H. C. Patterson	John L. Trumbo
Dr. J. C. Gabbard	Chester Peterson	S. J. Wagner
J. D. Gross	Albert W. Pfeiffer	Harry F. Walters
Jas. P. Hallahan	Sylvester Phillips	Taylor Witt
Claude Hammons	J. Gip Prather	—71

Resolved that the title thereof be as aforesaid.

Mr. J. Lee Moore moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 206. An Act relating to the taxation of the shares of stock of corporations.

With a Committee amendment thereto by way of Substitute therefor.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 136.030 of the Kentucky Revised Statutes is amended to read as follows:

(1) So long as a corporation pays taxes to this state on all of its taxable property in this state, including its corporate franchise when the franchise is required to be assessed, and such property constitutes at least seventy-five percent of the property of the corporation that would be taxable in this state if all of the property of the corporation had a taxable situs in this state, the individual stockholders of the corporation shall not be required to list their shares for taxation. In order to obtain this exemption the stockholder must furnish satisfactory proof to the taxing authorities that the above-prescribed portion of the property of the corporation is taxed in this state.

(2) Every corporation organized under the laws of this state, or doing business in this state, whose stock is liable to assessment and taxation under subsection (1) of this section, except banks, trust companies, or combined banks and trust companies doing business in this state and domestic life insurance companies, shall by August 1 of each year make a true and correct report to the Department of Revenue, verified

by its president, secretary, treasurer or other chief officer, giving the name and addresses of residents of this state who hold its shares of stock and outstanding bonds as of July 1 previous thereto, and also the transfer of any of its stocks or bonds by residents of this state to nonresidents within thirty days previous to July 1.

§ 2. Whereas the present statute relating to the taxation of corporate stock deters corporations from investing in war bonds, and thereby impedes the war effort, an emergency is declared to exist, and this Act shall take effect upon its approval by the Governor.

Said Substitute is as follows, viz.:

AN ACT relating to the taxation of the shares of stock of corporations.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 136.030 of the Kentucky Revised Statutes is amended to read as follows:

(1) The individual stockholders of a corporation shall not be required to list their shares for ad valorem taxation so long as the corporation pays taxes to the State of Kentucky on at least seventy-five percent of its total property, wherever located, provided, however, that bonds and obligations of the United States of America and its possessions and bonds and obligations of the State of Kentucky, its instrumentalities and its political subdivisions and their instrumentalities shall not be considered on the computation of the total property of the corporation, wherever located, nor in the computation of the amount of property upon which the corporation pays ad valorem taxes to the State of Kentucky. In order to obtain this exemption the stockholder must furnish satisfactory proof to

the Department of Revenue that at least seventy-five percent of the total property of the corporation as hereinabove specified is taxed in the State of Kentucky.

(2) Every corporation organized under the laws of this state, or doing business in this state, whose stock is liable to assessment and taxation under subsection (1) of this section, except banks, trust companies, or combined banks and trust companies doing business in this state and domestic life insurance companies, shall by August 1 of each year make a true and correct report to the Department of Revenue, verified by its president, secretary, treasurer or other chief officer, giving the names and addresses of residents of this state who hold its shares of stock and outstanding bonds as of July 1 previous thereto, and also the transfer of any of its stocks or bonds by residents of this state to nonresidents within thirty days previous to July 1.

§ 2. Whereas the present statute relating to the taxation of corporate stock deters corporations from investing in war bonds, and thereby impedes the war effort, an emergency is declared to exist, and this Act shall take effect upon its approval by the Governor.

Said Substitute was then adopted.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with and the same having been engrossed, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	W. H. Hunt	L. Allen Rhoads
Henry Arrowood	Lee Johnson	Wade H. Riley
F. H. Bassett, Jr.	Paul S. Jonas	H. G. Royalty
Isaac Blevins	Wm. E. Justice	Amos Runyon
Douglas T. Bolling	H. Clay Kauffman	Carl Scheben
Chas. W. Burnley	M. Kavanaugh	F. W. Schuhmann
C. D. Call	G. M. Knuckles	Vernon Seaton
Jno. H. Clarke, Jr.	J. T. Linton	Jno. W. Simmons
A. Roy Copeland	Pearl McKinney	Faust Y. Simpson
Marvin Cornett	C. C. May	Robt. J. Spaulding
John Henry Cox	Johnston Miller	E. A. Spencer
John P. Craig	Harry L. Moore	Arthur Stallard
Thos. S. Dawson	L. D. Moore	Geo. W. Steinford
Adron Doran	C. Sid Nabb	Joe Stewart
J. R. Dorman	Coy C. Nevitt	Thos. M. Swope
T. H. Dyer	Joe E. Nunn	C. W. Taylor
Bernie S. Edlin	Sylvester Phillips	Egbert V. Taylor
Harry W. Ennis	J. Gip Prather	H. Thieman, Jr.
Dr. J. C. Gabbard	L. W. Preston	E. B. Thompson
Jas. P. Hallahan	Kleber F. Price	John L. Trumbo
Claude Hammons	Edw. P. Prichard	S. J. Wagner
B. C. Holbrook	James E. Quill	R. E. West
Jerry F. Howell	C. R. Reeves	Taylor Witt

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Resolved that the title thereof be as amended.

Mr. Quill moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 270. An Act relating to the compensation of public officers.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 6.190 of the Kentucky Revised Statutes is amended to read as follows:

Each senator and representative shall receive twenty cents per mile for necessary travel in going to and returning from the regular and special sessions of the General Assembly, and shall receive ten dollars a day during his attendance on such sessions, except that the Speaker shall receive the per diem provided in KRS 6.200. Each senator and representative shall receive, during such period of his term of office as the General Assembly is not in session, compensation at the rate of one hundred dollars per month, except that the Speaker shall receive compensation at the rate of one hundred and seventy-five dollars per month. Where the General Assembly is not in session an entire month, the monthly compensation shall be prorated according to the number of days the General Assembly is not in session during such month.

§ 2. Section 6.210 of the Kentucky Revised Statutes is amended to read as follows:

(1) The per diem and travel allowance of the Lieutenant-Governor President pro tem of the Senate, Speaker of the House of Representatives and members of both houses of the General Assembly shall be paid on the certificate of the respective clerks of the amount due. The monthly compensation of members of the General Assembly shall be paid on warrant of the Department of Finance.

(2) All contingent expenses of the General Assembly shall be paid upon the production of vouchers countersigned by the clerks of the proper houses.

§ 3. Section 6.220 of the Kentucky Revised Statutes is amended to read as follows:

In lieu of stationery, there shall be allowed to each member of the General Assembly, including the Lieutenant-Governor, the sum of seventy-five dollars. This allowance shall be paid out of the State Treasury at the beginning of the session.

§ 4. A new section of the Kentucky Revised Statutes is created to read as follows:

The Lieutenant-Governor shall receive, during such period of his term of office as the General Assembly is not in session, compensation at the rate of two hundred and fifty dollars per month. Where the General Assembly is not in session an entire month, the monthly compensation of the Lieutenant-Governor shall be prorated according to the number of days the General Assembly is not in session during such month.

Mr. Simpson offered the following amendment to said bill, viz.:

Amend H. B. 270 on page 1, section 1, line 4 by striking out the word "to" after the word "going" and before the word "and", and inserting in lieu thereof the following words: "from the county seat of the county of his residence to the State Capital"

Said amendment was agreed to.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with and the same having been engrossed, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	Jas. P. Hallahan	James E. Quill
F. H. Bassett, Jr.	Claude Hammons	C. R. Reeves
Isaac Blevins	B. C. Holbrook	L. Allen Rhoads
Douglas T. Bolling	Benton Howard	Amos Runyon
J. C. Bradley	Jerry F. Howell	Carl Scheben
Jno. W. Burkhart	J. J. Huff	F. W. Schuhmann
Chas. W. Burnley	W. H. Hunt	Vernon Seaton
C. D. Call	Lee Johnson	Leon J. Shaikun
Fred Carpenter	Paul S. Jonas	Faust Y. Simpson
Willis Champion	M. Kavanaugh	George T. Smith
A. Roy Copeland	G. M. Knuckles	E. A. Spencer
Marvin Cornett	J. T. Linton	Arthur Stallard
John Henry Cox	Pearl McKinney	Geo. W. Steinford
John P. Craig	Johnston Miller	Joe Stewart
Thos. S. Dawson	Harry L. Moore	Thos. M. Swope
Adron Doran	Herbert V. Moore	C. W. Taylor
J. R. Dorman	J. Lee Moore	Egbert V. Taylor
T. H. Dyer	C. Sid Nabb	H. Thieman, Jr.
Bernie S. Edlin	Joe E. Nunn	Otis C. Thomas
Harry W. Ennis	Albert W. Pfeiffer	E. B. Thompson
Dr. J. C. Gabbard	Sylvester Phillips	John L. Trumbo
Franklin Goins	J. Gip Prather	S. J. Wagner
J. D. Gross	L. W. Preston	Taylor Witt
R. M. Hall	Kleber F. Price	—71

Those who voted in the negative were—

John H. Clarke, Jr.	A. L. Love	Wade H. Riley
Clyde S. Howard	L. D. Moore	Jno. W. Simmons
Wm. E. Justice	W. B. Moser	Robt. J. Spaulding
H. Clay Kauffman	Coy C. Nevitt	Harry F. Walters
Homer E. Losey	H. C. Patterson	R. E. West

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Resolved that the title thereof be as aforesaid.

Mr. Quill moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Without objection, Mr. Wagner offered the following resolution, viz.:

H. Res. 79. A Joint Resolution proposing an Amendment to the Constitution of the United States relative to taxes on incomes, inheritances and gifts.

Said resolution is as follows, viz.:

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That application be and it hereby is made to the Congress of the United States of America to call a convention for the purpose of proposing the following article as an amendment to the Constitution of the United States:

ARTICLE .....

Section 1. The sixteenth article of amendment to the Constitution of the United States is hereby repealed.

Section 2. The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several states, and without regard to any census or enumeration: Provided that in no case shall the maximum rate of tax exceed 25 per centum.

Section 3. The maximum rate of any tax, duty, or excise which Congress may lay and collect with respect to the devolution or transfer of property, or any interest therein, upon or in contemplation of or intended to take effect in possession or

enjoyment at or after death, or by way of gift, shall in no case exceed 25 per centum.

Section 4. The limitations upon the rates of said taxes contained in Sections 2 and 3 shall, however, be subject to the qualification that in the event of a war in which the United States is engaged creating a grave national emergency requiring such action to avoid national disaster, the Congress by a vote of three-fourths of each house may for a period not exceeding one year increase beyond the limits above prescribed the maximum rate of any such tax upon income subsequently accuring or received or with respect to subsequent devolutions or transfers of property, with like power, while the United States is actively engaged in such war, to repeat such action as often as such emergency may require.

Section 5. Sections 1 and 2 shall take effect at midnight on the 31st day of December following the ratification of this article. Nothing contained in this acticle shall effect the power of the United States after said date to collect any tax on incomes for any period ending on or prior to said 31st day of December laid in accordance with the terms of any law then in effect.

Section 6. Section 3 shall take effect at midnight on the last day of the sixth month following the ratification of this article. Nothing contained in this article shall affect the power of the United States to collect any tax on any devolution or transfer occurring prior to the taking effect of Section 3, laid in accordance with the terms of any law then if effect.

and be it further RESOLVED, that the Congress of the United States be, and it hereby is, requested to provide as the mode of ratification that said amendment shall be valid to all intents and purposes, as part of the Constitution of the United States, when ratified by the legislatures of three-fourths of the several states; and be it further

RESOLVED, that the Secretary of State be, and he hereby is, directed to send a duly certified copy of this resolution to the Senate of the United States and one to the House of Representatives in the Congress of the United States.

Said resolution was then adopted.

Mr. Moser of the Committee on Enrollment reported that they had examined and found to be correctly enrolled, bills of the following titles, viz.:

H. B. 267. An Act providing for the issuance of sums and warrants of arrest in police courts of cities of the second class and repealing all Acts or parts of Acts in conflict herewith.

H. B. 256. An Act relating to Motor Carriers.

H. B. 266. An Act relating to the city manager form of government for cities.

H. B. 222. An Act relating to police and fire departments for cities of the fourth class.

Thereupon all other business was suspended and said bills were read at length and compared in open session and found to be correctly enrolled, and thereupon the Speaker, in open session and in the presence of the House, affixed his signature thereto.

Ordered that the Enrolling Clerk of this House deliver said bills to the Senate.

After a time the Enrolling Clerk aforesaid delivered the original and enrolled copies of said bills duly signed by the Speaker of the House into the possession of the Chief Clerk.

Ordered that the Chief Clerk deliver said bills to the Governor.

After a time the Chief Clerk reported that he had discharged that duty.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill of the following title, viz.:

H. B. 182. An Act relating to hunting and fishing.

With a Committee amendment thereto.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (3) of Section 150.170 of the Kentucky Revised Statutes is amended to read as follows:

(3) (a) Nonresidents attending and participating in any annual state or national field trial need not obtain a hunting license.

(b) Residents of this state who are sixty-five years of age or older need not obtain a hunting or fishing license.

Said Committee amendment is as follows, viz.:

Amend H. B. 182 on page 1 by striking the period at the end of (3) (b) and adding the following: "but must carry while hunting or fishing an affidavit stating the year and place of their birth."

Said amendment was agreed to.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with and the same

having been engrossed, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

F. H. Bassett, Jr.	W. H. Hunt	C. R. Reeves
Isaac Blevins	Lee Johnson	L. Allen Rhoads
J. C. Bradley	Paul S. Jonas	Wade H. Riley
Jno. W. Burkhart	H. Clay Kauffman	H. G. Royalty
Chas. W. Burnley	G. M. Knuckles	Amos Runyon
C. D. Call	J. T. Linton	Carl Scheben
Fred Carpenter	Homer E. Losey	F. W. Schuhmann
A. Roy Copeland	A. L. Love	Vernon Seaton
Marvin Cornett	Pearl McKinney	Jno. W. Simmons
John Henry Cox	C. C. May	Faust Y. Simpson
John P. Craig	Johnston Miller	George T. Smith
Fred Creasey	Harry L. Moore	Robt. J. Spaulding
Adron Doran	Herbert V. Moore	E. A. Spencer
J. R. Dorman	L. D. Moore	Geo. W. Steinford
T. H. Dyer	W. B. Moser	Joe Stewart
Bernie S. Edlin	C. Sid Nabb	Thos. M. Swope
Franklin Goins	Coy C. Nevitt	C. W. Taylor
J. D. Gross	Joe E. Nunn	Egbert V. Taylor
Jas. P. Hallahan	Albert W. Pfeiffer	H. Thieman, Jr.
Claude Hammons	Sylvester Phillips	Otis C. Thomas
B. C. Holbrook	J. Gip Prather	E. B. Thompson
Benton Howard	L. W. Preston	John L. Trumbo
Clyde S. Howard	Kleber F. Price	S. J. Wagner
Jerry F. Howell	Edw. P. Prichard	Harry F. Walters
J. J. Huff	James E. Quill	Taylor Witt

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Those who voted in the negative were—

Dr. J. C. Gabbard	Arthur Stallard	R. E. West
H. C. Patterson		

—4

Resolved that the title thereof be as aforesaid.

Mr. Quill moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 334. An Act relating to drainage districts.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 268.420 of the Kentucky Revised Statutes is amended to read as follows:

(1) The sheriff of each county of the district shall receive the collector's drainage assessment book each year. He shall promptly and faithfully demand and collect the assessments at the same time that he demands and collects the state and county taxes due on the same property. If any property has been divided or transferred, the sheriff shall receive payment of assessments on any part charged with the assessments and give his receipt accordingly, and show therein upon what part of the property the assessment has been paid. The collector's drainage assessment book shall be the warrant and authority of the sheriff for making demand and collection of drainage assessments. The fee of the sheriff for collecting drainage assessments shall be four per cent, which shall be added to the regular assessment. The sheriff shall return all collector's drainage assessment books each year to the secretary of the board, and shall pay over and account to

the treasurer of the district for all money collected thereon each year at the same time he pays over state and county taxes.

(2) If the assessment has not been paid to the sheriff or collector on any parcel of land or property described in the assessment register certified to him during the year for which said assessment was levied on or before the last day of February of the year immediately following the year for which said assessment was levied and became due, a penalty of six per centum (6%) shall automatically attach thereto on and after said date, which shall be added to the assessment against such parcel or parcels of land on which the assessment has not been paid, to be collected in the same manner that the assessment is collected; and unless so paid the sheriff or collector shall advertise and offer for sale the assessment lien claim of said district in the same manner as state and county tax claims are required to be sold, which sale shall be for the assessments, penalties, costs and expenses of making sale in the same manner and with the same force and effect as sales of tax claims for state and county taxes, and subject to redemption by the owner within the time, on the terms, upon the penalties and upon the same conditions that are now and may hereafter be provided by general law for the redemption of land or other property sold by the sheriff for state or county taxes.

(3) When an assessment lien claim is sold for the assessment herein provided for, if no one will bid for and purchase and pay for such claim so offered for sale, the amount of the assessment, penalty, interest and costs, including the costs for advertising such sale, it shall be the duty of the sheriff making such sale to purchase same for the board of drainage commissioners to which such assessment is due and owning, and he shall make report of such fact to the clerk of the county court of the county in which such land or property

is located, as required by law under sales to the state and county for state and county taxes. He shall also certify such facts in like manner to the secretary of the board of drainage commissioners, which report shall be received and kept by the secretary of such board and recorded by him in the general drainage record book kept by him.

(4) The purchaser of any such lands pursuant to a proceeding in enforcement of said assessment lien claim shall take said property subject to the future assessments to be levied against said property for making the improvement, including all such assessments becoming delinquent after the sale of the assessment lien claim thus enforced. The purchaser of such assessment lien claims shall have the safe estate, right, title, and interest in the delinquent property that purchasers of certificates of delinquency acquire at sales of tax claims for state and county taxes, subject alone to the provisions of this section.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	Willis Champion	T. H. Dyer
Douglas T. Bolling	Jno. H. Clarke, Jr.	Bernie S. Edlin
J. C. Bradley	Marvin Cornett	Dr. J. C. Gabbard
Jno. W. Burkhart	John Henry Cox	Franklin Goins
Chas. W. Burnley	John P. Craig	J. D. Gross
C. D. Call	Adron Doran	R. M. Hall
Fred Carpenter	J. R. Dorman	Jas. P. Hallahan

Claude Hammons	Herbert V. Moore	Vernon Seaton
B. C. Holbrook	J. Lee Moore	Faust Y. Simpson
Benton Howard	L. D. Moore	George T. Smith
Clyde S. Howard	W. B. Moser	E. A. Spencer
Jerry F. Howell	C. Sid Nabb	Geo. W. Steinford
J. J. Huff	Joe E. Nunn	Joe Stewart
W. H. Hunt	H. C. Patterson	Thos. M. Swope
Lee Johnson	Albert W. Pfeiffer	C. W. Taylor
Paul S. Jonas	Sylvester Phillips	Egbert V. Taylor
Wm. E. Justice	J. Gip Prather	H. Thieman, Jr.
M. Kavanaugh	Kleber F. Price	Otis C. Thomas
G. M. Knuckles	James E. Quill	E. B. Thompson
J. T. Linton	C. R. Reeves	John L. Trumbo
Homer E. Losey	L. Allen Rhoads	Harry F. Walters
Pearl McKinney	H. G. Royalty	R. E. West
C. C. May	Amos Runyon	Taylor Witt
Johnston Miller	Carl Scheben	
Harry L. Moore	F. W. Schuhmann	—73

Those who voted in the negative were—

A. L. Love	Wade H. Riley	Robt. J. Spaulding
Coy C. Nevitt	Jno. W. Simmons	—5

Resolved that the title thereof be as aforesaid.

Mr. Quill moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 367. An Act relating to alcoholic beverages.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. No person holding a distiller's, rectifier's, blender's or vintner's license under KRS 243.030 shall sell distilled spirits or wine to a wholesaler, as defined in KRS 243.010, or for export out of this state, or to another distiller, rectifier, or blender, except with the permission of the Alcoholic Beverage Control Board. The board shall have authority to prescribe the amount of distilled spirits or wine that may be sold to any one wholesaler, or that may be sold for the purpose of rectifying or blending, or that may be sold for export out of this state, except that such authority shall not be so exercised as to prevent the reasonably prompt disposition of products which the distiller, rectifier, blender or vintner desires to sell. The authority shall be so exercised as to provide for an equitable and ratable distribution of distilled spirits and wine supplies throughout the state. The board shall refuse permission for any sale unless it is satisfied that the sale will not violate or result in a violation of the price ceilings fixed by the O.P.A. or similar federal agency.

§ 2. No wholesaler licensed under KRS 243.030 shall sell distilled spirits or wine to a retailer, or to a person outside this state, except with the permission of the Alcoholic Beverage Control Board. The board shall have the same powers with respect to sales by wholesalers as are granted to the board by section 1 of this Act with respect to sales by distillers, rectifiers, blenders and vintners.

§ 3. In issuing permits under KRS 243.680 and 243.690, for the manufacture, blending, rectifying or mixing of distilled spirits, the Department of Revenue shall have authority to so restrict the number of proof gallons of distilled spirits that may be blended, rectified or mixed as to insure at all times a proper proportionate supply of straight whiskeys. The de-

partment may deny any permit for rectifying, blending, or mixing of distilled spirits where the granting of such permit, in the opinion of the department, would result in the production of an amount of blended, rectified or mixed spirits out of proportion to the average proportion of such spirits to straight whiskeys produced during the period from 1934 to 1941.

§ 4. Any person who violates any of the provisions of this Act shall be fined not less than five hundred dollars nor more than five thousand dollars. Any violation of any of the provisions of this Act shall also constitute grounds for revocation of the license of the violator.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	Dr. J. C. Gabbard	J. T. Linton
Henry Arrowood	R. M. Hall	Johnston Miller
Isaac Blevins	Claude Hammons	Harry L. Moore
Chas. W. Burnley	B. C. Holbrook	Herbert V. Moore
C. D. Call	Benton Howard	L. D. Moore
A. Roy Copeland	Jerry F. Howell	C. Sid Nabb
Marvin Cornett	J. J. Huff	Joe E. Nunn
John Henry Cox	W. H. Hunt	H. C. Patterson
John P. Craig	Lee Johnson	Albert W. Pfeiffer
Fred Creasey	Paul S. Jonas	Sylvester Phillips
J. R. Dorman	H. Clay Kauffman	J. Gip Prather
Bernie S. Edlin	G. M. Knuckles	James E. Quill

L. Allen Rhoads	Geo. W. Steinford	John L. Trumbo
Carl Scheben	Joe Stewart	S. J. Wagner
F. W. Schuhmann	Thos. M. Swope	Harry F. Walters
Vernon Seaton	Egbert V. Taylor	R. E. West
Faust Y. Simpson	H. Thieman, Jr.	Taylor Witt
George T. Smith	Otis C. Thomas	
Arthur Stallard	E. B. Thompson	—55

Those who voted in the negative were—

Homer E. Losey	Coy C. Nevitt	Robt. J. Spaulding
W. B. Moser	Wade H. Riley	—5

Resolved that the title thereof be as aforesaid.

Mr. Quill moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day a resolution entitled:

H. Res. 38. A Joint Resolution authorizing Earl Dacon, A. P. Weller, John Shaw, and T. J. Thornton, to sue the Commonwealth of Kentucky.

Said bill is as follows, viz.:

WHEREAS the estate of Isaac Bernheim has purchased about 15,000 acres of mountainous land located partly in Bullitt County and partly in Nelson County, in this Commonwealth, and said land is held by said estate for the Commonwealth of Kentucky and is known as the Bernheim Foundation for the rearing and protection of wild animals and wild turkeys of all kind, and the Commonwealth has, through its Fish and Game Commission, placed on said land large numbers of deer and same have been prolific and increased to a

very large number, and are not confined on the above said land, but are permitted to run in large droves over land adjoining and surrounding this 15,000 acres and destroy the crops of the farmers in the surrounding country, and said deer are by statute protected from being killed or chased by dogs, and

WHEREAS, Earl Dacon, A. P. Weller, John Shaw, and T. J. Thornton are farmers in the surrounding territory of the above said 15,000 acres of land and were such farmers during the years 1939, 1940, 1941, 1942 and 1943, and during aged him in the sum of $2,657.25 and have gone upon the land cultivated by Earl Dacon and destroyed his crops and damaged him in the sum of $2,657.25 and have gone upon the land cultivated by A. P. Weller during said years and destroyed his crops and damaged him in the sum of $195.00, and have gone upon the lands of John Shaw which were cultivated by him and destroyed his crops and damaged him in the sum of $737.50, and have gone upon the lands cultivated by T. J. Thornton and destroyed his crops and damaged him in the sum of $11,350.00.

NOW, THEREFORE, in order that Earl Dacon, A. P. Weller, John Shaw, and T. J. Thornton and each of them may have their "Day in Court" to determine by judicial action the extent of damages, if any, sustained by them, and the liability therefor.

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That Earl Dacon, A. P. Weller, John Shaw and T. J. Thornton are authorized to sue the Commonwealth of Kentucky in the Bullitt Circuit Court to determine the liability of Kentucky for damages sustained by them from deer from the Bernheim Foundation game preserve.

The Attorney General of the Commonwealth of Kentucky may investigate the claims against the Commonwealth herein and settle said claims before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the General Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this resolution shall be considered by either the Court or jury as an admission of negligence upon the part of the Commonwealth and this resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Jno. W. Burkhart	John P. Craig	B. C. Holbrook
Chas. W. Burnley	Fred Creasey	Benton Howard
C. D. Call	Adron Doran	Clyde S. Howard
Fred Carpenter	J. R. Dorman	Jerry F. Howell
Jno. H. Clarke, Jr.	T. H. Dyer	J. J. Huff
A. Roy Copeland	Bernie S. Edlin	W. H. Hunt
Marvin Cornett	Franklin Goins	Lee Johnson
John Henry Cox	J. D. Gross	Paul S. Jonas

H. Clay Kauffman	C. Sid Nabb	Vernon Seaton
M. Kavanaugh	Joe E. Nunn	Faust Y. Simpson
G. M. Knuckles	H. C. Patterson	E. A. Spencer
J. T. Linton	Albert W. Pfeiffer	Arthur Stallard
Homer E. Losey	Sylvester Phillips	Geo. W. Steinford
A. L. Love	J. Gip Prather	Thos. M. Swope
Pearl McKinney	L. W. Preston	Egbert V. Taylor
C. C. May	Kleber F. Price	H. Thieman, Jr.
Johnston Miller	James E. Quill	Otis C. Thomas
Harry L. Moore	C. R. Reeves	E. B. Thompson
Herbert V. Moore	L. Allen Rhoads	S. J. Wagner
J. Lee Moore	H. G. Royalty	Harry F. Walters
L. D. Moore	Amos Runyon	Taylor Witt
W. B. Moser	F. W. Schuhmann	—65

Those who voted in the negative were—

Wade H. Riley	Leon J. Shaikun	John L. Trumbo
Carl Scheben	Robt. J. Spaulding	R. E. West

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Resolved that the title thereof be as aforesaid.

Mr. Quill moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 280. An Act relating to taxation for school purposes.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Sections 160.480, 160.490 and 160.150, Kentucky Revised Statutes, be and the same are hereby repealed and re-enacted so that when so repealed and re-enacted they will read as follows:

(1) The ad valorem tax levy for school purposes, other than sinking fund purposes, in each school district, shall be not less than twenty-five cents annually on each one hundred dollars of property subject to local taxation nor more than one dollar and fifty cents annually on each one hundred dollars of property subject to local taxation.

(2) The board of education of any district may request the levy of a poll tax, not exceeding two dollars on each male inhabitant within the district over twenty-one years of age who is not exempt by law from payment of poll tax.

(3) All existing subdistrict school tax levies, except those required to retire voted bonds, are hereby abolished.

Mr. Rhoads offered the following amendments to said bill, viz.:

1. Amend H. B. 280 on page 1, line 1, of the printed bill by striking out the words and figures "and 160.150" and by adding the word "and" between "160.480" and "160.490"; and further by striking out all of lines 13 and 14.

2. Amend H. B. 280 by adding to line 8 after the word "taxation" the following:

"Provided, however, that the tax levy in county school districts for transportation and other school purposes, other than sinking fund purposes, shall be not more than one dollar annually on each one hundred dollars of property subject to local taxation."

Said amendments were each agreed to.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with and the same having been engrossed, said bill was read the third time by its title only and rejected.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	Paul S. Jonas	Carl Scheben
Jno. W. Burkhart	Wm. E. Justice	Faust Y. Simpson
Chas. W. Burnley	Pearl McKinney	Arthur Stallard
Willis Champion	Johnston Miller	Geo. W. Steinford
A. Roy Copeland	Harry L. Moore	Thos. M. Swope
Marvin Cornett	J. Lee Moore	C. W. Taylor
Adron Doran	Albert W. Pfeiffer	John L. Trumbo
R. M. Hall	James E. Quill	S. J. Wagner
Jas. P. Hallahan	C. R. Reeves	Taylor Witt
B. C. Holbrook	L. Allen Rhoads	Speaker Harry
Jerry F. Howell	Wade H. Riley	Lee Waterfield
W. H. Hunt	H. G. Royalty	
Lee Johnson	Amos Runyon	—36

Those who voted in the negative were—

Henry Arrowood	J. R. Dorman	H. Clay Kauffman
F. H. Bassett, Jr.	T. H. Dyer	M. Kavanaugh
Isaac Blevins	Bernie S. Edlin	G. M. Knuckles
J. C. Bradley	Dr. J. C. Gabbard	J. T. Linton
C. D. Call	Franklin Goins	Homer E. Losey
Fred Carpenter	J. D. Gross	A. L. Love
Jno. H. Clarke, Jr.	Claude Hammons	C. C. May
John Henry Cox	Benton Howard	Herbert V. Moore
John P. Craig	Clyde S. Howard	L. D. Moore

W. B. Moser	Kleber F. Price	Joe Stewart
C. Sid Nabb	F. W. Schuhmann	Egbert V. Taylor
Coy C. Nevitt	Vernon Seaton	H. Thieman, Jr.
Joe E. Nunn	Leon J. Shaikun	Otis C. Thomas
H. C. Patterson	Jno. W. Simmons	E. B. Thompson
J. Gip Prather	Robt. J. Spaulding	Harry F. Walters
L. W. Preston	E. A. Spencer	R. E. West

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Mr. Quill moved that the vote by which said bill was rejected, be reconsidered and that said motion lie on the table.

Said motion was disagreed to.

Mr. Moser of the Committee on Enrollment reported that they had examined and found to be correctly enrolled, bills of the following titles, viz.:

H. B. 236. An Act to authorize cities of the first class to regulate the parking of motor vehicles.

H. B. 166. An Act relating to parole of prisoners.

Thereupon all other business was suspended and said bills were read at length and compared in open session, and thereupon the Speaker, in open session and in the presence of the House, affixed his signature thereto.

Ordered that the Enrolling Clerk of this House deliver said bills to the Senate.

After a time the Enrolling Clerk aforesaid delivered the original and enrolled copies of said bills duly signed by the President of the Senate into the possession of the Chief Clerk of this House.

Ordered that the Chief Clerk deliver said bills to the Governor.

After a time the Chief Clerk reported that he had discharged that duty.

At the instance of the Committee on Rules, and without objection, the following bills were introduced, viz.:

By Messrs. Swope, Scheben, Smith, Peterson and Bolling.

H. B. 428. An Act appropriating money to the Veterans' Division of the Department of Military Affairs for the fiscal years 1944-1945 and 1945-1946.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

There is hereby appropriated, out of the General Fund, to the Veterans' Division of the Department of Military Affairs, for ordinary recurring expenses of operation, the sum of $60,500.00 for each of the fiscal years 1944-1945 and 1945-1946.

By Mr. J. Lee Moore.

H. B. 429. An Act appropriating money to the Division of Forestry in the department of conservation, for the fiscal years 1944-1945 and 1945-1946.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

There is hereby appropriated to the Division of Forestry in the Department of Conservation, for ordinary recurring expenses of operations, the sum of $50,000.00 for each of the fiscal years 1944-1945 and 1945-1946.

This shall be in addition to any revolving funds for said division heretofore established, and any such revolving funds are hereby continued for the fiscal years 1944-1945 and 1945-1946.

By Mr. Losey.

H. B. 430. An Act relating to the recording of conveyances.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsections 2, 3, 4 and 5 of KRS 382.110 of the Kentucky Revised Statutes are amended to read as follows:

(2) No county clerk or deputy county clerk shall admit to record any deed of conveyance of any interest in real property equal to or greater than a life estate, unless the deed plainly specifies and refers to the next immediate source from which the grantor derived title to the property or the interest conveyed therein.

(3) If the source of title is a deed or other recorded writing, the deed offered for record shall refer to the former deed or writing, and give the office, book and page where recorded, and the date thereof. If the property or interest therein is obtained by inheritance or in any other way than by recorded instrument of writing, the deed offered for record shall state clearly and accurately how and from whom the title thereto was obtained by the grantor.

(4) If the title to the property or interest conveyed is obtained from two or more sources, the deed offered for record shall plainly specify and refer to each of the sources in the

manner provided in subsections (2) and (3), and shall show which part of the property, or interest therein, was obtained from each of the sources.

(5) No grantor shall lodge for record, and no county clerk or deputy shall receive and permit to be lodged for record, any deed that does not comply with the provisions of this section. No county clerk or deputy shall record any deed lodged with him for record without first verifying the correctness of the book, page and date references in the portion of the deed that refers to the source of title. If any of such references are not correct, the clerk or deputy shall notify the person who lodged the deed for record and shall not record the deed until the references are corrected.

By Mr. Quill.

H. B. 431. An Act relating to Unemployment Compensation.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (2) of KRS 341.120 is amended to read as follows: The Executive Director of the Unemployment Compensation Commission shall be paid from the Unemployment Compensation Administration Fund a fixed salary at a rate by the Governor and the Social Security Board not to exceed five thousand dollars per annum, plus necessary expenses, and shall devote his full time to the duties of his office. He shall give bond for the faithful performance of his duties in the amount of twenty thousand dollars which shall be executed by some surety company or companies authorized to do business in Kentucky. The bond shall be approved by the Governor and filed with the Secretary of State. Premiums for the bond

shall be paid from the Unemployment Compensation Administration Fund.

By Mr. Quill.

H. B. 432. An Act relating to Unemployment Compensation.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

KRS 341.160 is amended to read as follows:

Personnel. Subject to KRS 341.130, and to other provisions of this chapter, the Commission is authorized, subject to the provisions of KRS chapters 12, 42 and 45, to appoint, fix the compensation and prescribe the duties and power of such officers, accountants, attorneys, experts, examiners, referees and other persons as may be necessary in the performance of its duties under this chapter. All positions shall be filed by persons selected and appointed on a non-partisan merit basis. The Commission shall not employ or pay any person who is an officer or committee member of any political party organization. The commission may, by written orders, delegate to any person so appointed such power and authority as it deems reasonable and proper for the effective administration of this chapter. The commission shall require of all persons handling moneys or signing checks hereunder the execution of a bond to the Commonwealth, with a corporate surety authorized to do business in this state, conditioned upon the faithful performance of their duties. Such bonds shall be in such amounts as are deemed necessary by the commission and the premiums thereon shall be paid from the Unemployment Compensation Administration Fund.

Ordered that said bills be printed.

The Speaker announced that he had referred H. B. 430, H. B. 431 and H. B. 432 to the Committee on Rules.

Mr. Quill moved that the House do now adjourn.

Said motion was agreed to.

And then the House adjourned.

THURSDAY, MARCH 9, 1944.

The House was called to order by The Honorable Harry Lee Waterfield, Speaker.

The House was opened with prayer by the Reverend O. L. Gilmore of the Presbyterian Church, North, of Frankfort.

The roll was called and the following members answered to their names, viz:

Chas. W. Anderson	John Henry Cox	Claude Hammons
Henry Arrowood	John P. Craig	B. C. Holbrook
F. H. Bassett, Jr.	Fred Creasey	Benton Howard
W. G. Biggers	Thos. S. Dawson	Clyde S. Howard
Isaac Blevins	Adron Doran	Jerry F. Howell
Douglas T. Bolling	J. R. Dorman	J. J. Huff
J. C. Bradley	T. H. Dyer	W. H. Hunt
Jno. W. Burkhart	Bernie S. Edlin	Lee Johnson
Chas. W. Burnley	Harry W. Ennis	Paul S. Jonas
C. D. Call	Dr. J. C. Gabbard	Wm. E. Justice
Fred Carpenter	Chas. B. Gentry	H. Clay Kauffman
Willis Champion	Franklin Goins	M. Kavanaugh
Jno. H. Clarke, Jr.	J. D. Gross	G. M. Knuckles
A. Roy Copeland	R. M. Hall	J. T. Linton
Marvin Cornett	Jas. P. Hallahan	Homer E. Losey

A. L. Love
Pearl McKinney
Ed Marcum
C. C. May
Johnston Miller
Harry L. Moore
Herbert V. Moore
J. Lee Moore
L. D. Moore
W. B. Moser
C. Sid Nabb
Coy C. Nevitt
Jno. C. Newcomb
Joe E. Nunn
H. C. Patterson
Chester Peterson
Albert W. Pfeiffer
Sylvester Phillips
J. Gip Prather
L. W. Preston
Kleber F. Price
Edw. P. Prichard
James E. Quill
C. R. Reeves
L. Allen Rhoads
Wade H. Riley
Amos Runyon
Carl Scheben
F. W. Schuhmann
Vernon Seaton
Leon J. Shaikun
Jno. W. Simmons
Faust Y. Simpson
George T. Smith
Robt. J. Spaulding
E. A. Spencer
Arthur Stallard
Geo. W. Steinford
Joe Stewart
Thos. M. Swope
C. W. Taylor
Egbert V. Taylor
Roy L. Taylor
H. Thieman, Jr.
Otis C. Thomas
E. B. Thompson
John L. Trumbo
S. J. Wagner
Harry F. Walters
R. E. West
Taylor Witt
Speaker Harry Lee Waterfield

Mr. Shaikun moved that the reading of the Journal of yesterday's proceedings be dispensed with.

Said motion was agreed to.

Mr. Clyde Howard moved that the Rule governing the regular hour for the convening of the House be suspended, and that when the House adjourn today, it adjourn to meet again on tomorrow at 11:00 A.M.

Without objection, said motion was agreed to.

Mr. Kauffman moved that the privilege of the floor be extended to Mr. Reed Wilson of Lexington, Kentucky.

Said motion was agreed to.

Mr. Losey moved that the vote by which a bill entitled:

H. B. 280. An Act relating to taxation for school purposes

Was rejected on yesterday,

Be reconsidered.

Said motion was disagreed to.

Mr. Kauffman moved that the vote by which said motion was disagreed to, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the following bills and resolutions were reported, viz:

H. Res. 12. Resolution memoralizing Congress to pass a law enabling the ceiling prices on crude petroleum to be increased.

H. Res. 31. Resolution providing for the issual of license to Grover Cleveland Bentley to practice dentistry.

H. Res. 73. Resolution authorizing and directing the renovation and redecoration of House Chamber.

H. Res. 74. Resolution authorizing the personal representative of Gerald D. Troutman, deceased, to sue the Commonwealth.

H. Res. 75. Resolution authorizing the payment of costs and attorney fees in contest case of Hamilton vs. Thieman.

H. Res. 76. Resolution authorizing the payment of costs and attorney fees in contest case of Spilman vs. Phillips.

H. Res. 77. Resolution authorizing the payment of costs and attorneys fees in contest case of Hamilton vs. Thieman.

H. Res. 78. Resolution authorizing Mile Gleason to sue the Commonwealth.

H. B.210. An Act relating to carrying concealed deadly weapons.

H. B. 369. An Act providing for inheritance to and from adopted parents and adopted children.

H. B. 373. An Act relating to division fences.

H. B. 396. An Act relating to state colleges.

H. B. 394. An Act pertaining to the civil jurisdiction of justices of courts.

H. B. 403. An Act relating to trade practices.

H. B. 407. An Act relating to the usurpation of officies or franchises.

H. B. 411. An Act relating to the qualifications of justice of peace.

H. B. 418. An Act relating to county public schools.

H. B. 419. An Act enabling cities of second, third, fourth, fifth and sixth classes to acquire, maintain a gas well, etc.

H. B. 425. An Act relating to teachers' retirement.

H. B. 431. An Act relating to Unemployment Compensation.

H. B. 432. An Act relating to Unemployment Compensation.

With the expression of opinion that said bills and resolutions ought to pass.

Said bills and resolutions were each and severally read at length the first time and ordered to be placed on the Calendar.

At the instance of the Committee on Rules, the House took up for consideration from the Calendar, bills entitled:

H. B. 345. An Act relating to the operation of bingo games by charitable or religious organization.

H. B. 379. An Act relating to revenue and taxation.

H. B. 382. An Act regulating and providing for the licensing of manufacturers, wholesalers, jobbers and retailers of foods and drugs.

H. B. 410. An Act relating to Game and Fish.

H. B. 413. An Act providing for the disposition of money received by the Commonwealth through the operation of toll bridges.

H. B. 414. An Act relating to county road and bridge bond indebtedness.

H. B. 421. An Act relating to state owned bridges, including bridges for the use and distribution of the revenue derived from tolls etc.

S. B. 77. An Act relating to juries.

S. B. 140. An Act relating to juries.

S. B. 147. An Act pertaining to the secretary and treasurer of boards of Park Commissioners.

S. B. 145. An Act amending Sec. 393.100 KRS.

Ordered that said bills be read the second time.

The Constitutional provision as to the second reading of said bills at length having been dispensed with, said bills were read the second time by their titles only.

Ordered that said bills be placed in the Orders of the Day.

The House took up for consideration from the Order of the Day, a bill entitled:

H. B. 262. An Act relating to airports in counties containing a city of the first class.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Subsection (1) of Section 183.140 is amended to read as follows:

(1) In each county in which there is a city of the first class there shall be a bi-partisan board composed of six members, known as the (name of city) and (name of county) Air Board. The Board shall be a body politic and corporate with the usual corporate attributes, and in its corporate name may sue and be sued, contract and be contracted with, and do all things reasonable or necessary to effectively carry out the work contemplated by KRS 183.140 to 183.210.

§ 2. Section 183.150 of the Kentucky Revised Statutes is amended to read as follows:

The purpose of the board shall be to establish and maintain one or more airports and facilities to provide for transportation by air of passengers, express and mail, and to provide one or more airports and facilities for the use of the Federal Government. The board shall have such powers as may be necessary or desirable to promote aviation and the development of facilities for air travel and transportation.

Mr. Dawson offered the following amendment to said bill, viz.:

Amend H. B. 262 on page 1, section 2, line 5 after the word "passengers" by inserting the word "property"

Said amendment was agreed to.

Mr. Dawson moved the Previous Question.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with and the same having been engrossed, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were:

Chas. W. Anderson	Chas. W. Burnley	John P. Craig
Henry Arrowood	C. D. Call	Fred Creasey
F. H. Bassett, Jr.	Fred Carpenter	Thos. S. Dawson
W. G. Biggers	Willis Champion	Adron Doran
Isaac Blevins	Jno. H. Clarke, Jr.	J. R. Dorman
Douglas T. Bolling	A. Roy Copeland	T. H. Dyer
Jno. W. Burkhart	Marvin Cornett	Bernie S. Edlin

Dr. J. C. Gabbard	Pearl McKinney	F. W. Schuhmann
Chas. B. Gentry	C. C. May	Vernon Seaton
Franklin Goins	Harry L. Moore	Leon J. Shaikun
J. D. Gross	Herbert V. Moore	Jno. W. Simmons
Jas. P. Hallahan	J. Lee Moore	Faust Y. Simpson
B. C. Holbrook	L. D. Moore	George T. Smith
Benton Howard	C. Sid Nabb	Robt. J. Spaulding
Clyde S. Howard	Joe E. Nunn	E. A. Spencer
Jerry F. Howell	H. C. Patterson	Arthur Stallard
J. J. Huff	Chester Peterson	Geo. W. Steinford
W. H. Hunt	Albert W. Pfeiffer	Joe Stewart
Lee Johnson	Sylvester Phillips	C. W. Taylor
Paul S. Jonas	L. W. Preston	Roy L. Taylor
Wm. E. Justice	Kleber F. Price	H. Thieman, Jr.
H. Clay Kauffman	Edw. P. Prichard	John L. Trumbo
M. Kavanaugh	James E. Quill	S. J. Wagner
G. M. Knuckles	C. R. Reeves	Harry F. Walters
J. T. Linton	Wade H. Riley	R. E. West
Homer E. Losey	Amos Runyon	Taylor Witt
A. L. Love	Carl Scheben	—80

Resolved that the title thereof be as aforesaid.

Mr. Dawson moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 218. An Act relating to child labor.

Said bill is as follows, viz.:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. During the duration of the National Emergency which was declared to exist by proclamation of the President of the United States, dated May 27, 1941, and for six months thereafter, KRS 339.110 shall be suspended in so far as it prohibits the working of a person under sixteen years of age more than eight hours on Saturday, or after six o'clock in the evening on Saturday.

Mr. Linton offered the following amendments to said bill, viz.:

1. Amend H. B. 218 on page 1, section 1, line 6 by striking out the period and adding after the word "Saturday" a semicolon and the words: "providing that such person shall not be employed or permitted to work more than ten hours on any one Saturday nor later than nine o'clock in the evening on Saturday. The provisions of this Act shall apply only to retail establishments which employ ten persons or less at any one place of business."

2. Amend H. H. 218 by adding at the end thereof the following:

"Whereas, the present labor conditions are such in regard to the shortage of labor in the operation of business establishments, an emergency is declared to exist, so therefore, this act shall be effective on its passage by both houses of the General Assembly and the signature of the Governor.

Said amendments were each agreed to.

Ordered that said bill be engrossd and read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with and the same, having been engrossed, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were:

Chas. W. Anderson	W. H. Hunt	James E. Quill
F. H. Bassett, Jr.	Lee Johnson	C. R. Reeves
W. G. Biggers	Paul S. Jonas	L. Allen Rhoads
Isaac Blevins	H. Clay Kauffman	Amos Runyon
J. C. Bradley	M. Kavanaugh	Carl Scheben
Jno. W. Burkhart	G. M. Knuckles	F. W. Schuhmann
Chas. W. Burnley	J. T. Linton	Vernon Seaton
Jno. H. Clarke, Jr.	Homer E. Losey	Leon J. Shaikun
A. Roy Copeland	A. L. Love	Jno. W. Simmons
John Henry Cox	Pearl McKinney	Faust Y. Simpson
John P. Craig	C. C. May	George T. Smith
Fred Creasey	Johnston Miller	Robt. J. Spaulding
Thos. S. Dawson	Harry L. Moore	E. A. Spencer
Adron Doran	Herbert V. Moore	Arthur Stallard
Dr. J. C. Gabbard	L. D. Moore	Geo. W. Steinford
Chas. B. Gentry	W. B. Moser	Joe Stewart
J. D. Gross	C. Sid Nabb	Thos. M. Swope
R. M. Hall	Jno. C. Newcomb	C. W. Taylor
Jas. P. Hallahan	Joe E. Nunn	Egbert V. Taylor
Claude Hammons	H. C. Patterson	Roy L. Taylor
B. C. Holbrook	Chester Peterson	John L. Trumbo
Benton Howard	J. Gip Prather	S. J. Wagner
Clyde S. Howard	L. W. Preston	Harry F. Walters
Jerry F. Howell	Kleber F. Price	R. E. West
J. J. Huff	Edw. P. Prichard	Taylor Witt

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Mr. J. Lee Moore offered the following amendment to the title of said bill, viz.:

Amend the title to H. B. 218 by adding at the end thereof the following:

"and declaring an emergency to exist."

Said amendment was agreed to.

Resolved that the title thereof be as amended.

Mr. Quill moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

A message was received from the Senate announcing that they had passed bills which originated in that body entitled:

S. B. 95. An Act relating to housing for persons in National Defense Work.

Said bill is as follows, viz.:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 80.730 of the Kentucky Revised Statutes is amended to read as follows:

(1) As used in KRS 80.730 to 80.800:

(a) "Administration" means any and all undertakings necessary for management, operation or maintenance, in connection with any project, and shall include the leasing of any projects, in whole or in part, from the Federal Government.

(b) "Devlopment" means any and all undertakings necessary for the planning, land acquisition, demolition, financing, construction or equipment in connection with a project (including the negotiation or award of contracts therefor) and shall include the acquisition of any project (in whole or in part) from the Federal Government.

(c) "Federal Government" means the United States of America or any agency or instrumentality, corporate or otherwise, of the United States of America.

(d) "Housing commission" means any housing commission established pursuant to KRS 80.010 to 80.250 or KRS 80.310 to 80.610 and shall include the city which established the housing commission pursuant to KRS 80.010 to 80.250.

(e) "Persons engaged in National Defense activities" includes, without limiting the generality thereof, enlisted men in the military and naval services of the United States; employes of the War and Navy Departments assigned to duty at military or naval reservations, posts or bases; workers engaged or to be engaged in industries connected with and essential to the National Defense programs; and the families of the aforesaid persons who are living with them.

(f) "Persons of low income" means persons or families who lack the amount of income which is necessary, as determined by the housing commission undertaking the housing project, to enable them, without financial assistance, to live in decent, safe and sanitary dwellings, without overcrowding.

(2) The development of a project shall be deemed to be "initiated", within the meaning of KRS 80.730 to 80.800, if a housing commission has issued any bonds, notes or other obligations with respect to financing the development of such project of the commission, or has contracted with the Federal Government with respect to the exercise of powers hereunder in the development of such project of the Federal Government for which an allocation of funds has been made prior to the termination of the present war.

(3) The powers conferred by KRS 80.730 to 80.800 shall be in addition and supplemental to the powers conferred by any

other law, and nothing contained herein shall be construed as amending or extending any other law.

§ 2. Section 80.740 of the Kentucky Revised Statutes is amended to read as follows:

Any housing commission may undertake the development or administration, or both, or projects to assure the availability of safe and sanitary dwellings for persons engaged in National Defense activities whom the housing commission determines would not otherwise be able to secure safe and sanitary dwellings within the vicinity thereof, but no housing commission shall initiate the development of any such project pursuant to KRS 80.730 to 80.800 after the termination of the present war.

S. B. 118. An Act relating to veterans of the World Wars and amending Section 164.480 and repealing Section 164.510, Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 164.480 Kentucky Revised Statutes is amended and reenacted so that said section as amended and reenacted shall read as follows:—

"Every person who was engaged in any branch of the military or naval service of the United States, prescribed and classified by the United States War Department as a part of such service, during the wars that were declared on April 6, 1917, and any wars declared thereafter, respectively, and who at the time of his enlistment was a resident of Kentucky, is entitled to a free scholarship in any State higher educational institution for white or colored persons that he chooses for a period required for the completion of the course of study se-

lected by him. The scholarship includes free tuition, matriculation and other fees, room rent, fuel and lights, and the advantages and privileges of the institution, but does not include free board.''

Provided, however, that if the Federal Government provides for the education of veterans of any of the wars herein referred to, then this Act shall not apply to such veterans.

Section 2. Section 164.510 Kentucky Revised Statutes be and the same is hereby repealed.

WHEREAS, many persons are now being discharged from the various branches of the armed forces and desire to resume their education but are financially unable to defray the expenses incident thereto, an emergency is hereby declared to exist and this Act shall become immediately effective after its passage and approval by the Governor.

S. B. 127. An Act relating to the operation of electric and water systems and facilities by cities of the second and third classes.

Said bill is as follows, viz.:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The provisions of this Act shall not apply in the case of any municipality of the second or third class now operating an electric or water system or plant under any existing law; but the governing body of any municipality of the second or third class owning an electric and water system and operating them as one combined system or plant may elect to operate under the provisions of this Act, in which case, from the time of the exercise of such election and the appointment of a board hereunder, the electric and water system of such

municipality shall be operated under the provisions of this Act as an electric and water plant.

Section 2. Any municipality of the second or third class now owning and operating an electric system and a water system and operating them as one combined system or plant may elect to operate such systems as an electric and water plant under the provisions of this Act by enacting an ordinance declaring therein the desire and intention of the municipality to accept and operate its electric and water system or plant under the provisions of this Act and by providing in said ordinance that the municipality accepts and agrees to all of the provisions of this Act. The ordinance shall further authorize the mayor or chief executive to appoint a board, subject to the approval of the appointments by the governing body of the municipality. Upon the passage of such ordinance the mayor or chief executive of any such municipality may, with the approval of the governing body of the municipality, appoint a board of public utilities, consisting of five (5) taxpayers and legal voters of the City who are users of electric energy and water. Said board shall be appointed and qualified before the municipality shall have any authority to proceed further under the provisions of this Act. Said board, when so appointed and qualified, shall be and hereby is declared to be a body-politic and corporate, with perpetual succession; and said board may contract and be contracted with, sue and be sued, in and by its corporate name, and have and use a corporate seal. The name of the board shall be "ELECTRIC AND WATER PLANT BOARD OF THE CITY OF ...., KENTUCKY."

(2) No person shall be appointed a member of the board who has, within two years next before his appointment, held any public office, or who is related within the third degree to the mayor or any member of the governing body of the municipality.

(3) Neither the board nor the superintendent appointed by the board as hereinafter provided shall appoint to any subordinate office which it may create, nor employ it in any capacity any person who is related within the third degree to any member of the board or to the superintendent or to the mayor of said municipality or to any member of the governing body of the municipality. No officer or employee of a municipality shall be eligible for such appointment until at least one (1) year after the expiration of the term of his office or employment.

(4) The members of the board shall be citizens, taxpayers, and legal voters of such municipality and shall not at the time of their appointment be indebted to the municipality either directly or indirectly or be surety on the official bond of any officer of said municipality.

(5) If at any time during his term of office a member of the board becomes a candidate for or is elected or appointed to any public office, he shall automatically vacate his membership from the board, and another person shall be appointed to his place.

(6) Each member of said board shall execute bond, in an amount required by the governing body of the municipality by resolution or ordinance, conditioned upon the faithful performance of their official duties. The surety on said bonds shall be a surety company qualified to do business in Kentucky. The cost of said bonds shall be charged as an operating expense and paid by the board.

(7) Each member of the board shall qualify by taking the oath required by Section 228 of the Constitution.

Section 3. (1) The salary of each member of a board of public utilities shall be fixed by the governing body of the municipality and shall not exceed One Thousand ($1000.00) Dollars per annum.

(2) Such salaries, as well as the salary of the secretary-treasurer of such board, shall constitute a cost of operation and maintenance of the plant.

(3) The municipality shall not be liable for the payment of any salary or compensation of any of the members of said board, or for the payment of the salary or compensation or expenses of any person employed by said board, and all such salaries, compensation and expenses and any and all liabilities, of whatever kind or character incurred by the board or any officer or employe thereof, shall be payable solely and only out of the revenues obtained by said board under the provisions of this Act, and said liabilities shall be so limited.

Section 4. The original appointees shall serve two for one year, one for two years, one for three years and one for four years, respectively, from the date of their appointment, as the said mayor or chief executive officer of the municipality shall designate. Successors to retiring members so appointed shall be appointed for a term of four (4) years in the same manner, prior to the expiration of the term of office of the retiring members. Appointments to complete unexpired terms shall be made in the same manner as original appointments.

Section 5. A majority of the board shall constitute a quorum, and the board shall act by vote of a majority present at any meeting attended by a quorum. Vacancies in the board shall not affect its power or authority so long as a quorum remains. Within ten (10) days after appointment and qualification of members, the board shall hold a meeting and elect a chairman. The board shall at the same time elect a secretary-treasurer, and shall fix his compensation. The board shall hold public meetings at least once each month, at such regular time and place as the board may determine. Any special meeting of the board may be called by the chairman or by two members; but if such special meeting is called, written notice shall be sent to all members by the secretary. Except as other-

wise expressly provided herein, the board shall establish its own by-laws and rules of procedure.

Section 6. Any member of the board may be removed from office upon a vote of a majority of the members of the governing body of the municipality for inefficiency, neglect of duty, misfeasance, nonfeasance, or malfeasance in office.

Section 7. Except as otherwise provided in this Act, the board shall have and exercise all the powers conferred upon the municipality by this Act. Any board operating under the provisions of this Act shall have the legal power and capacity to perform any act not repugnant to law and shall have the express power and capacity to do any and all acts or things necessary or convenient for the carrying out of the purposes of this Act, including, but not by way of limitation, the following express powers:

(1) Acquire, own, hold and dispose of property, real and personal, tangible and intangible, necessary or incident to the proper conduct of its business.

(2) Own, lease, operate, maintain, improve and extend the electric and water plant, and provide electric and water service to any user or consumer within and without the boundaries of any municipality, and charge and collect reasonable rates therefor.

(3) To fix and determine classifications, rates and charges for services. The rates and charges so fixed and determined at all times shall be sufficient, after payment of all operating expenses, interest, and bond requirements, sinking fund requirements, adequate depreciation reserves, taxes, or payments in lieu of taxes, and reserves for contemplated extensions and improvements, to produce a fair and reasonable return on the fair value of the electric and water plants and facilities.

(4) Construct, own, lease, operate and control any and all works, lines, buildings and other facilities across, along or under any street or public highway, and over any lands which are now or may be the property of the Commonwealth or of any county or municipality within this Commonwealth. The board shall, however, at its own expense, restore any such street or highway to its former condition and state as nearly as may be possible and shall not use the same in a manner as to impair its usefulness or to interfere with or obstruct the maintenance thereof. Before exercising these powers the board shall obtain a permit or consent or approval in writing from the governing authority of the municipality, or the fiscal court, or the Department of Highways, having appropriate jurisdiction over any and all of such respective streets or public highways.

(5) Accept gifts, grants of property, real or personal, including money, from any person, municipality, or federal agency, and to accept voluntary and uncompensated services; provided, however, that when engineering services are required by the board no engineer or firm with which he is associated who is engaged in whole or in part in the business of buying or selling any electric or water equipment, machinery, fixtures, materials, supplies, or the sale or purchase of bonds shall be eligible for employment or for any service whatsoever under the provisions of this Act.

(6) Contract debts and borrow money for the improvement and extension of any electric and water plant or for the refinancing of any existing bonded indebtedness on the property or any portion thereof, issue bonds therefor, provide for the rights of holders of the bonds and to secure the bonds as hereinafter provided, and pledge all or any of the net revenues derived from the electric and water plant to the payment of such debts or repayment of money borrowed.

(7) Hold, and, subject to the provisions of Section 14 of this Act and the applicable provisions of any existing bonds

or contract, dispose of any property, real or personal, tangible or intangible, or any right or interest in any such property in connection with an electric and water plant, and whether or not subject to mortgages, liens, charges, or other encumbrances.

(8) Make contracts and execute instruments containing such covenants, terms and conditions as in the discretion of the board may be proper, necessary or advisable for the purpose of obtaining loans from any source, or grants, loans or other financial assistance from any governmental agency; make all other contracts and execute all other instruments as in the discretion of the board may be advisable in or for the furtherance of the operation, maintenance, improvement or extension of any electric and water plant and the furnishing of service; and carry out and perform the covenants, terms, and conditions of all such contracts or instruments, as well as all contracts and instruments in existence and effect at the time of the transfer of the property to the board as herein provided.

(9) Enter on any lands, waters and premises for the purpose of making surveys, soundings and examinations in connection with the operation, maintenance, improvements or extension of any electric and water plant and the furnishing of service.

(10) Do all acts and things necessary or convenient to carry out the powers expressly given in this Act.

(11) Make any contracts necessary or convenient for the full exercise of the powers herein granted, including, but not limited to, contracts for either the purchase or sale or both the purchase and sale of electric energy or power; and, in connection with any such contract with a governmental agency, the board may stipulate and agree to such covenants, terms, and conditions as it deems appropriate, including, but without limitation, covenants, terms, and conditions with respect to

the resale rate, financial and accounting methods and the manner of disposing of the revenues or any part thereof derived from the operation of the plant.

(12) Acquire by purchase or the exercise of eminent domain all lands, easements, rights of way, either upon or under or above the ground, reasonably necessary or desirable in connection with the operation, maintenance or extension of an electric and water plant.

Section 8. (1) Upon and after a board has been appointed and qualified, the said board shall have charge of the exclusive general supervision and control of the operation, maintenance and extension of the electric and water plant.

(2) The board shall employ an electric and water plant superintendent (herein called "superintendent"), who shall be qualified by education, training and experience for the general superintendence of the operation, maintenance, improvement and extension of the electric and water plant. His salary shall be fixed by the board. The superintendent shall be removable by the board for inefficiency, neglect of duty, misfeasance, or malfeasance in office. He shall be required to execute a bond, in a sum to be determined and approved by the board, conditioned upon the faithful performance of his official duties. The cost of the bond shall be charged as an expense of the operation of the electric plant.

(3) All powers of the municipality to operate, maintain, improve and extend, and to furnish electric and water service, and all powers necessary or convenient thereto, conferred by this Act, shall be exercised on behalf of the municipality by the board and the superintendent, respectively. Subject to the provisions of applicable bonds or contracts, the board shall determine programs and make all determinations as to the operation, maintenance, improvement and extension of the

electric and water plant, shall determine and fix the rates to be charged for the classes of service rendered, shall determine all financial practices, shall establish rules and regulations such as it deems necessary or appropriate to govern the operation of the plant and the furnishing of electric and water service, and shall collect all moneys from the operation, maintenance, improvement and extension of the electric and water plant and the furnishing of electric and water service and disburse same in the manner and for the purposes hereinafter provided.

(4) A copy of the schedule of the current rates and charges in effect from time to time, and a copy of all rules and regulations of the board relating to electric and water service shall be kept on public file at the main and all branch offices of the Electric and Water Plant Board and also in the office of the municipal clerk. The superintendent shall have charge of all actual construction, the immediate management and operation of the electric plant and the enforcement and execution of all rules, regulations, programs, plans and decisions made or adopted by the board.

(5) Subject to existing civil service requirements, the superintendent shall appoint all employees and fix their duties and compensation subject to and with the approval of the board. Subject to the limitations and provisions of this Act, the superintendent, with the approval of the board, may acquire and dispose of all property, real and personal, necessary to effectuate the purposes of this Act. The title to all property purchased or acquired shall be taken in the corporate name of the board.

(6) The superintendent shall let all contracts, subject to the approval of the board, but may, without such approval, obligate the board on purchase orders up to an amount to be fixed by the board, not to exceed five hundred dollars. All contracts shall be in the corporate name of the board, and

shall be signed by the superintendent and attested by the secretary-treasurer or chairman of the board. The superintendent shall make and keep or cause to be made and kept full and proper books and records, subject to the supervision and direction of the board and the provisions of applicable contracts.

Section 9. The board may charge the municipality and all departments and works thereof for any electric and water service furnished to them at the rate applicable to other customers taking service under similar conditions. Revenues derived from such service shall be treated as all other revenues.

Section 10. Any board proceeding under this Act shall have the right to acquire by the exercise of the power of eminent domain, all lands, easements, rights of way, either upon or under or above the ground, reasonably necessary or desirable in connection with the operation, maintenance, improvement or extension of its electric and water plant. The condemnation or eminent domain proceedings shall be brought in the name of the board, and proceed in the form and manner now prescribed for the condemnation of land by cities of their respective class.

Section 11. In lieu of taxes, the board may each year pay to each school district and municipality in which its property is located an amount equivalent to an annual ad valorem tax on the fair cash value of the property of the board located in each such jurisdiction determined upon the tax rate prevailing in such year.

Section 12. All moneys derived from the operation of the electric and water plant or any other operation of the board, shall be deposited to the credit of the board in a separate bank account or accounts, separate from all other municipal funds, and adequate records shall be kept of all such receipts and their sources. All withdrawals and payments

from said fund, as well as any other fund which may be created, shall be only pursuant to appropriate action of the board, and the voucher, warrant or check withdrawing or paying out any part of said fund shall be signed by the Treasurer of the Board, and counter-signed by the Chairman of the board.

Section 13. Subject to the provisions of outstanding bonds and contracts, the board shall apply all funds derived from operations (1) to the payment of operating expenses, (2) to the payment of bond interest and retirement, (3) to sinking fund requirements, (4) to depreciation requirements, (5) to the improvement and extension of the plant, (6) to the payment of other obligations incurred in the operation and maintenance of the plant and the furnishing of service, and (7) such taxes, if any, as the board may elect to pay under the provisions of this Act, and then if the board has met all such obligations and all obligations imposed on it by this Act, it may at the end of any twelve months ending June 30th transfer any surplus to the general fund of the municipality or transfer such surplus to the sinking fund or apply such surplus to the redemption or purchase of outstanding bonds, in which case such bonds shall be cancelled, or to the creation and maintenance of a cash working fund.

Section 14. Neither the board nor the municipality may sell or dispose of all or substantially all of the electric and water plant, either or both, owned and operated by it unless and until:

(a) The governing body shall adopt a resolution which shall state in substance that (1) the board has approved the proposed sale or disposition, (2) a full description of the property to be sold or disposed of, (3) the purchaser or purchasers thereof, (4) the consideration to be received by the board for such sale or disposition, (5) the terms or conditions of such sale or disposition, and (6) the date on which the

election shall be held, which shall be the day of the regular November election;

(b) The resolution of the board shall be submitted to the governing body of the municipality; and if approved by it, the question shall be submitted to an election of the qualified voters of the municipality. The mayor shall certify such ordinance to the clerk of the county court, who shall, on the ballots provided for use in the general November election in the municipality, if however there is no municipal election a separate ballot shall be provided have printed thereon the question: "Are you in favor of the sale or disposition of the electric and water plant, for the consideration of $....." And opposite the question the words "Yes" and "No" with proper squares for stamping the cross mark to indicate preference, shall appear.

The mayor of such municipality shall advertise such election and the object thereof at least forty-five (45) days next before the date of such election in a newspaper having the largest circulation in the city, and also by printed handbills posted in not less than four conspicuous places in each voting precinct in the city and at the court house door. All legal voters of such city shall be privileged to vote at such election. If a majority of all of the qualified voters of the municipality voting in said general election on the question shall vote in favor of the sale or disposition of the electric and water plant, the sale shall be consummated, otherwise the sale or disposition shall not be made.

Section 15. The governing body of the municipality may terminate the operation and management of the electric and water plant by the board under the provision of this Act only by first complying with the following provision, to-wit:

(a) The governing body of the municipality, upon the adoption of an ordinance declaring the desire of the municipality to terminate the operation of the electric and water

plant by the board under the provisions of the Act, setting forth therein the reasons therefor, may direct that such question be submitted to an election of the qualified voters of the municipality in the form and manner provided in Section 14 of this Act, except that the question to be printed on the official ballots for the general election shall be: "Are you in favor of the termination of the operation and management of the electric and water system of the City by the Electric and Water Plant Board?" Opposite the question the words, "Yes" and "No," with the proper squares for stamping the cross mark to indicate preference, shall appear.

(b) If a majority of all the qualified voters of the municipality voting in said general election on the question shall vote in the affirmative, the governing body of the municipality may adopt an ordinance rescinding its election to operate under the provisions of this Act, and the board, on the first day of the month following the passage and approval of such ordinance shall by resolution transfer the electric and water plant and the operation thereof to the governing body of the municipality.

Section 16. (1) The board at any time may issue and sell revenue bonds to finance improvements or extensions of the plant and sell refunding bonds for the purpose of providing for the payment of any outstanding bonds.

(2) Bonds issued pursuant to this Act may be issued in one or more series, may bear such date or dates, may mature at such time or times, not exceeding forty (40) years from their respective dates, may be in such denomination or denominations, may be in such form, either coupon or registered, may carry such registration and conversion privileges, may be executed in such manner, may be payable in such medium of payment, at such place or places, may be sold in such blocks, may be subject to such terms of purchase or redemption of all or any of said bonds before maturity in such manner and at

such price or prices, not exceeding one hundred and five and accrued interest, as may be fixed by the board by resolution prior to the sale of the bonds.

(3) All revenue bonds issued pursuant to the provisions of this Act in the hands of bona fide holders shall have all the qualities and indicents of negotiable instruments under the law of merchant. All bonds shall be sold to the highest responsible bidder at such time and place as shall have been fixed by the board in the notice of sale of said bonds, which notice shall have been advertised once each week for at least two consecutive weeks in a newspaper of general circulation in said municipality. The board shall receive, sealed competitive bids, which shall be publicly opened and read at the time and place specified in the notice of sale. The board may reject all bids and re-advertise. No revenue bonds shall be sold for less than par, and no bond shall bear interest at a rate in excess of six per cent (6%) per annum, interest payable semi-annually.

(4) No holder or holders of any revenue bonds issued under this Act shall have the right to compel any exercise of taxing power of the municipality to pay the bonds or the interest thereon. Each bond issued under this Act shall recite in substance that the bond, including interest thereon, is payable solely from the revenues pledged to the payment thereof, and that the bond does not constitute a debt of the municipality within the meaning of any statutory or constitutional provision or limitation.

(5) Any holder or holders of bonds issued pursuant to this Act, shall have the right, in addition to all other rights:

(a) By action in court, to enforce his or their rights against the board, and any other proper officer, agent or employee, including, but without limitation, the right to require the board, and any proper officer, agent or employee thereof, to fix

and collect rates and charges adequate to carry out any agreement as to, or pledge of, revenues from the plant, and to require the board and any officer, agent or employee thereof, to carry out any other covenants or agreements and to perform its and their duties under this Act.

(b) By action in equity to enjoin any act or thing which may be unlawful or a violation of the rights of such holder of bonds.

(6) If there is a default in the payment of the principal or interest of any bonds issued pursuant to this Act, any court having jurisdiction may, upon the petition of the holders of not less than twenty-five per cent (25%) of the outstanding bonds, appoint a receiver to administer said electric plant on behalf of the board, with power to charge and collect rates sufficient to provide for the payment of any bonds or obligations outstanding against the plant and for the payment of the operating expenses and to apply the income and revenues in conformity with this Act.

(7) All bonds issued pursuant to the Act, bearing the signatures of officers in office on the date of the signing thereof, shall be valid and binding obligations, notwithstanding that before the delivery thereof and payment therefor, any or all the persons whose signatures appear thereon shall have ceased to be members of the board issuing the same. The resolution of the board authorizing the issuance of the bonds shall contain a recital that the revenue bonds are issued pursuant to this Act, which recital shall be prima facie evidence of their validity and of the regularity of their issuance.

(8) Bonds may be issued under this Act without respect to the provisions of any laws requiring the prior approval of any court, commission, board or regulatory authority.

(9) All moneys received from the sale and issuance of bonds shall be used solely for the purpose for which such bonds

were issued, except that any premium received for said bonds may be used for the payment of interest and principal of said bonds.

Section 17. The board shall keep a complete and accurate record of all meetings and actions taken, and of all receipts and disbursements, and shall make reports of the same to the governing body at stated intervals, not to exceed one year. Said report shall be in writing, shall be filed in open meeting of the governing body, at stated intervals, not to exceed one year, and a copy shall be filed with the municipal clerk or recorded as a public record. An audit of the board's records shall be made annually by a certified public accountant to be selected by the board, and the expense of such audit shall constitute an operating expense and be paid as such by the board.

Section 18. No board operating an electric and water plant under the provisions of this Act shall construct any facilities or extend its existing facilities in competition with any existing facilities of any Rural Electric Cooperative Corporation.

Section 19. Any action challenging the validity of any ordinance electing to operate under this Act, or any bond resolution of the board, or any election resolution or election held hereunder shall be brought within sixty days from the date on which such ordinance, election resolution or bond resolution was adopted or election held, as the case may be, and, if not brought within said time, shall be forever barred.

Section 20. Every ordinance or resolution adopted by the governing body of the municipality or board under the provisions of this Act shall become effective from and after its passage, and no such resolution or ordinance shall be subject to any referendum or election except as expressly provided in this Act.

Section 21. All sections, clauses, sentences and parts of this Act are severable and are not matters of mutual essential

inducement; and it is the intention of the General Assembly to confer upon every municipality of the third class the whole or any part of the powers of this Act provided; and if any one or more of these sections, clauses, sentences, or parts of this Act, including those authorizing the payment by the board of taxes, shall be adjudged invalid or inoperative, such judgment shall not invalidate the remaining provisions of said Act, but shall be confined in its operation to the specific provision or provisions so held invalid or inoperative; and the inapplicability or invalidation of any section, clause, sentence or part of this Act in any one or more instances shall not affect the applicability or validity in any other instance, or the validity or application of any other part or provision of the Act.

S. B. 129. An Act to impose additional liability upon insurance companies and other corporations, firms or persons, for failure to promptly pay insurance losses and a liability upon policy holders where suits are not brought in good faith.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the several insurance companies of this State, and foreign insurance companies and other corporations, firms or persons doing an insurance business in this State, in all cases except of unliquidates damages, when a loss occurs and they refuse to pay the same within a reasonable time after proof of loss, and demand shall have been made by the holder of said policy on which said loss occurred, in accordance with the contract of insurance, shall be liable to pay the holder of said policy, in addition to the loss and interest thereon, a reasonable attorney's fee not exceeding twenty-five per cent on the liability for said loss; Provided, that it shall be made to appear to the Court or Jury trying the case that the refusal to pay said loss was not in good faith, and that such failure to pay inflicted

additional expense, loss or injury upon the holder of said policy; and, provided, further, that such additional liability within the limit prescribed shall, in the discretion of the Court or Jury trying the case, be measured by the additional expense, loss and injury thus entailed.

Section 2. That in the event it shall be made to appear to the Court or Jury trying the cause that the action of said policy holder in bringing said suit was not in good faith, and recovery under said policy shall not be had, said policy holder shall be liable for a reasonable attorney's fee to such insurance companies, corporations, firms or persons in a sum not exceeding twenty-five per cent of the amount of the loss claimed under said policy; Provided, that such liability, within the limits prescribed shall, in the discretion of the Court or Jury trying the cause, be measured by the additional expense, loss or injury inflicted upon said insurance companies, corporations, firms or persons by reason of said suit.

Section 3. That all Acts and parts of Acts in conflict with this Act be and the same are hereby repealed, and that this Act take effect from and after its passage, the public welfare requiring it.

S. B. 144. An Act to amend section 67.180 of the Kentucky Revised Statutes, relating to the purchase of liability and compensation insurance by counties, by extending its provisions to counties containing cities of the fourth, fifth and sixth classes.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. Section 67.180 of the Kentucky Revised Statutes is amended to read as follows:

(1) The fiscal court of each county containing a city of the second, fourth, fifth or sixth class may, in its discretion, for

the protection of the public and its employees, appropriate county funds to purchase policies of insurance of all kinds deemed advisable, covering vehicles operated by the county, and compensation insurance covering employees of the county receiving injuries arising out of and in the course of employment.

(2) Suits instituted on such policies may be maintained against the county only for the purpose of obtaining a judgment which when final shall measure the liability of the insurance carrier to the injured party for whose benefit the insurance was issued, but not to be enforced or collectible against the county or fiscal court, or the members thereof.

Sec. 2. Whereas, it is essential that the public and the employees of counties be given immediate protection against injuries arising from the conduct of county affairs, an emergency is hereby declared to exist, and this Act shall take effect from and after its passage and approval by the Governor.

S. Res. 36. A Resolution to authorize A. B. (Yank) Boyd to sue the Commonwealth for damages resulting from property damage.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That, A. B. (Yank) Boyd is authorized to sue the Commonwealth of Kentucky in the Logan Circuit Court for damages resulting from property damage caused by alleged negligence on the part of an employee of the Commonwealth of Kentucky, while said employee was in the line of duty as an employee of this Commonwealth.

Said suit shall be for a sum not in excess of $2113.50.

The Attorney General of the Commonwealth of Kentucky may investigate the claim against the Commonwealth herein and settle said claim before or after suit is filed, if he deems it advisable.

Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the general fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this resolution shall be considered by the Court or jury as an admission of negligence upon the part of the Commonwealth, and this resolution shall not be introduced as evidence nor commented upon by counsel in argument to the jury.

S. Res. 38. A Joint Resolution authorizing the payment of a claim against the Commonwealth, to the Wardrup Provision Company, of Harlan, Kentucky.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the Wardrup Provision Company of Harlan, Kentucky, is the owner of a claim against the Commonwealth in the sum of $126.00, for meals furnished members of the Kentucky National Guard while on duty in Harlan County in July, 1939.

It further appearing that said claim is a just claim against the Commonwealth, and that said claim has never been paid, the Commissioner of Finance is hereby authorized and directed to pay said claim when presented and the Statute of Limitations

as now provided by law shall not be a bar to the payment of said claim, and the amount necessary to pay said claim, being one hundred and twenty-six dollars ($126.00), is hereby appropriated out of the General Fund for that purpose.

S. Res. 41. Resolution providing for the payment of ministers of the churches of Frankfort, Kentucky, for performing the duties of chaplain for the General Assembly.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the sum of Eight Hundred Dollars ($800.00) is hereby appropriated out of the Legislative Session Fund, One Hundred Dollars ($100.00) of which is to be paid to each of the following named ministers of Frankfort, Kentucky, for performing the duties of chaplain for the General Assembly:

F. T. Moffatt, P. S. Stauffer, E. W. Baxter, C. W. Grant, C. R. Thrasher, Joseph A. O'Dwyer, O. L. Gilmore, and H. J. Womeldorf.

Section 2. That the Chief Clerk of the Senate shall certify this resolution to the Commissioner of Finance, who shall draw his warrant upon the State Treasurer for the amounts above designated and the State Treasurer shall pay the same.

WHEREAS, all employees of the General Assembly have been promptly paid for their services, and said ministers have been faithful in attending as chaplain, and are also entitled to prompt payment, an emergency is hereby declared to exist and this resolution shall take effect from and after its passage and approval by the Governor.

Ordered that said bills and resolution be printed and referred

To the Committee on Rules.

And that they had passed bills which originated in this House entitled:

H. B. 178. An Act to create the office of Assistant Commonwealth's Attorney in Judicial Districts having a population of less than two hundred thousand.

H. B. 277. An Act relating to crime and punishment.

H. B. 281. An Act amending and re-enacting Sec. 431.240 KRS relating to condemned criminals.

H. B. 90. An Act relating to Workmen's Compensation, and to provide compensation for disability or death due to the disease of silicosis.

H. B. 243. An Act relating to alcoholic beverages.

Ordered that said bills be delivered to the Enrolling Clerk of this House.

And that they had passed bills which originated in this House entitled:

H. B. 189. An Act to amend and re-enact Section 258.370 KRS, relating to the appointment of a collector of dog licenses.

With amendments thereto as proposed and adopted by the Senate.

(For bill see House Journal of February 3.)

Said amendments as proposed and adopted by the Senate are as follows, viz.:

1. Amend H. B. 189 in Senate by striking all of same after the enacting clause and inserting in lieu thereof the following:

That Chapter 132 of the Acts of 1940, being Sections 258.370, 258.380, 258.390, 258.400 and 258.410 of Chapter 258 of the Kentucky Revised Statutes, 1942 Edition, be amended and re-enacted so that same, as amended and re-enacted, shall read as follows:

Section 258.370. Fiscal court shall appoint dog license collector upon written request from sheriff. The fiscal court of a county, upon written request from the sheriff, shall appoint a collector of dog licenses provided in KRS Sections 258.170, 258.180 and 258.190.

Section 258.380. Term of license collector; removal. The dog license collector appointed under KRS 258.370 shall serve for the remainder of the term of the sheriff requesting his appointment and upon the termination of his term of office the succeeding sheriff of the county shall collect the license fees as prescribed in this chapter unless said succeeding sheriff requests the appointment of a collector as provided in KRS 258.370. The fiscal court may remove the dog license collector at any time by majority vote of the members of the court, with or without cause, and appoint a successor.

Section 258.390. Bond of license collector. The collector of dog licenses appointed under KRS 258.370 shall execute bond in the sum of $2500.00 to the State of Kentucky, for the use and benefit of the county appointing him, to secure it against any loss of money collected by him that may be in his possession belonging to the county, and such bond as may be required by the fiscal court to indemnify the county against any damage on account of the acts of said collector.

Section 258.400. Compensation of license collector; disposition of license monies. The collector of dog licenses appointed under KRS 258.370 shall be entitled to twenty percent of the amount collected from dog licenses, which shall be his

total compensation for issuing the license. He shall, however, be entitled to and receive the fees and costs stipulated in KRS 258.140 for the services therein mentioned in addition to his fees for issuing the licenses. He shall make a report to the county clerk on the first day of each month showing the number of licenses issued and pay to the county treasurer funds which he has collected, less the twenty percent which he shall retain for himself and six percent of the total amount collected which he shall pay to the Commissioner of Agriculture, Labor and Statistics. The county treasurer shall credit the balance to the livestock fund.

Section 258.410. Duties of a dog license collector. When a dog license collector is appointed under KRS 258.370 he shall perform the functions required under this chapter of the Kentucky Revised Statutes to be performed by the sheriff, and shall have all the powers vested in the sheriff by the provisions of Chapter 258 of the Kentucky Revised Statutes, 1942 Edition, in connection therewith. After the appointment of the dog license collector as provided in KRS 258.370 the sheriff of the respective county shall be relieved of the duties imposed by the provisions of this chapter, and the sheriff shall not thereafter receive any sum in fees, commissions, or compensation from the issuance or sale of dog licenses in the respective county, or for any of the services mentioned in Chapter 258 of the Kentucky Revised Statutes, 1942 Edition, it being the intention of the General Assembly in the passage of this Act to provide an alternate method for the collection of dog licenses, and the administration of the provisions of Chapter 258 of the Kentucky Statutes, 1942 Edition.

2. Amend the title to H. B. 189 in Senate by striking the title therefrom and inserting in lieu thereof the following:

An Act to amend and re-enact Chapter 132 of the Acts of 1940, being Sections 258.370, 258.380, 258.390, 258.400 and 258.410 of the Kentucky Revised Statutes, 1942 Edition, relat-

ing to the appointment of a collector of dog licenses, prescribing his qualification, term of office, compensation and duties.

Said amendments were then concurred in.

Said bill was then passed, as amended.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	W. H. Hunt	L. Allen Rhoads
Henry Arrowood	Paul S. Jonas	Amos Runyon
F. H. Bassett, Jr.	H. Clay Kauffman	Carl Scheben
Douglas T. Bolling	M. Kavanaugh	F. W. Schuhmann
J. C. Bradley	J. T. Linton	Vernon Seaton
Chas. W. Burnley	Ed Marcum	Leon J. Shaikun
C. D. Call	Johnston Miller	Jno. W. Simmons
Willis Champion	Herbert V. Moore	Faust Y. Simpson
Jno. H. Clarke, Jr.	J. Lee Moore	George T. Smith
A. Roy Copeland	C. Sid Nabb	Arthur Stallard
Marvin Cornett	Jno. C. Newcomb	Geo. W. Steinford
John Henry Cox	H. C. Patterson	Joe Stewart
Fred Creasey	Chester Peterson	Thos. M. Swope
Adron Doran	Sylvester Phillips	Egbert V. Taylor
J. R. Dorman	J. Gip Prather	Roy L. Taylor
R. M. Hall	Kleber F. Price	E. B. Thompson
Claude Hammons	Edw. P. Prichard	S. J. Wagner
Benton Howard	James E. Quill	Harry F. Walters
J. J. Huff	C. R. Reeves	—56

Those who voted in the negative were—

Isaac Blevins	T. H. Dyer	Homer E. Losey
Jno. W. Burkhart	Dr. J. C. Gabbard	A. L. Love
John P. Craig	Franklin Goins	Pearl McKinney
Thos. S. Dawson	G. M. Knuckles	C. C. May

L. D. Moore	Wade H. Riley	H. Thieman, Jr.
W. B. Moser	H. G. Royalty	John L. Trumbo
Coy C. Nevitt	Robt. J. Spaulding	R. E. West
Albert W. Pfeiffer	E. A. Spencer	Taylor Witt

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Mr. Quill moved that the vote by which said bill was passed, as amended, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

And that they had passed a bill which originated in this House, entitled:

H. B. 287. An Act relating to the establishment by cities of a gas and garbage disposal system, etc.

With amendments thereto as proposed and adopted by the Senate.

(For bill see House Journal of February 28.)

Said amendments as proposed and adopted by the Senate, are as follows, viz.:

Amendment No. 1. Amend Section 2, subsection 1 of House Bill No. 287 in the Senate by striking from lines 2 to 6, both inclusive, in subsection 1, of Section 2, on page 1 of the printed bill the following:

and, with the exception of an electric power, light, heat, gasoline motor bus, electrically operated street car and electrically operated trolley bus line operating in interstate commerce, or water or communication system, any other public utility system,

Amendment No. 2. Amend House Bill 287, on page 2, Section 3, line 1, by striking the article "a" from said line, which

is between operate and public, and inserting in lieu thereof "any such"

Amendment No. 3. Amend House Bill 287, on page 4, section 5, line 1, by striking the article "a" therefrom, which is between acquiring and public, and inserting in lieu thereof "any such"

Amendment No. 4. Amend the title to House Bill No. 287 in the Senate by striking all of the title on page 1 of the printed bill, and substituting in lieu thereof the following title:

An Act relating to the establishment, maintenance and operation by cities of artificial gas and garbage disposal systems.

Said amendments were then concurred in.

Said bill was then passed, as amended.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	Clyde S. Howard	J. Gip Prather
Henry Arrowood	W. H. Hunt	Kleber F. Price
J. C. Bradley	Paul S. Jonas	James E. Quill
Chas. W. Burnley	J. T. Linton	C. R. Reeves
C. D. Call	Homer E. Losey	L. Allen Rhoads
Willis Champion	A. L. Love	Amos Runyon
A. Roy Copeland	Johnston Miller	Carl Scheben
Marvin Cornett	Harry L. Moore	F. W. Schuhmann
John Henry Cox	Herbert V. Moore	Faust Y. Simpson
Fred Creasey	J. Lee Moore	George T. Smith
Thos. S. Dawson	W. B. Moser	Geo. W. Steinford
Harry W. Ennis	C. Sid Nabb	Roy L. Taylor
Franklin Goins	Jno. C. Newcomb	E. B. Thompson
Claude Hammons	H. C. Patterson	
Benton Howard	Chester Peterson	—43

Those who voted in the negative were—

Jno. H. Clarke, Jr.	M. Kavanaugh	Robt. J. Spaulding
John P. Craig	Ed Marcum	Arthur Stallard
T. H. Dyer	C. C. May	Joe Stewart
Dr. J. C. Gabbard	L. D. Moore	Egbert V. Taylor
Chas. B. Gentry	Coy C. Nevitt	H. Thieman, Jr.
J. D. Gross	L. W. Preston	John L. Trumbo
R. M. Hall	H. G. Royalty	R. E. West
J. J. Huff	Vernon Seaton	Taylor Witt
Lee Johnson	Jno. W. Simmons	—26

Mr. Quill moved that the vote by which said bill was passed, as amended, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Ordered that said last two named bills be delivered to the Enrolling Clerk of this House.

A message was received from the Senate announcing that they had adopted the report of the Committee on Conference on a bill entitled:

S. B. 84. An Act consenting to the establishment of an independent school district on the Fort Knox Military Reservation.

Said report of the Conference Committee is as follows:

We, the Committee on Conference, having met and discussed the differences between the House and the Senate arising from an amendment proposed and adopted by the House to S. B. 84, in which the Senate refused to concur and from which the House refused to recede, make the following report:

The Senate should concur in the Amendment adopted by the House to said bill, and in order to perfect the bill and to

insure the effectiveness of the amendment, the House and Senate should adopt the attached amendment to the title of said bill, which title amendment is proposed by the Committee on Conference.

Ray B. Moss	Strother Melton	A. L. Love
C. F. Stacy	Clyde S. Howard	Harry L. Moore

And the Senate has now concurred in the amendment proposed and adopted by the House and has also adopted the amendment to the title of said bill as proposed by the Committee on Conference, and has passed said bill.

(For bill and amendment thereto, see House Journal of March 6.)

Mr. Quill moved that the report of the Committee on Conference be adopted by the House.

Said motion was agreed to.

Said amendment to the title of said bill as proposed by the Committee on Conference is as follows:

Amend the title to S. B. 84 by adding at the end thereof the following: ", and declaring an emergency to exist."

Said amendment was then agreed to.

Ordered that the Chief Clerk of the House report the action of the House to the Senate.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 370. An Act to aid in the enforcement of the National Wartime Stabilization Program.

Said bill is as follows, viz.:

WHEREAS, the Commonwealth of Kentucky recognizes that the proper allocation of commodities needed for the defense of the United States or for civilian supply and the effective enforcement of the national anti-inflation program are necessary for the effective prosecution of the war, and the welfare of the citizens of this State. It is hereby declared to be the policy of this State, in order to assure fair dealing and the prevention and elimination of black markets, to cooperate with the Federal Government in the enforcement, at retail and consumer levels, of the Federal Government's price, rationing, and rent control programs.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. Any person

(a) Who sells or transfers to an ultimate consumer, or who buys or acquires for ultimate consumption, a commodity rationed by an order or regulation issued by the United States Government or any agency thereof in effect on the effective date of this Act, without taking or giving the coupons, stamps, certificates, ration checks or ration evidences, required by the order or regulation at the time of the transaction.

(b) Who uses any such rationed commodity as an ultimate consumer, or who possesses, acquires, transfers, or otherwise disposes of any ration coupons or other ration evidences in a manner prohibited by such an order or regulation at the time of such use, possession, or transaction

shall be guilty of a misdemeanor, and, on conviction, shall be punished by a fine of not more than 100 dollars for each such violation.

Sec. 2. Any person who, in selling or offering for sale at retail any commodity or service, or in renting any housing accommodation for which a maximum price or maximum rent has been prescribed by any regulation, order or price schedule

issued by the Office of Price Administration under the authority of the Emergency Price Control Act and in effect on the date of enactment of this Act, demands or receives a price or rent in excess of the applicable maximum price or maximum rent in force and effect at the time of the occurrence of the violation, or who violates any other provision of such regulation, order, or price schedule governing selling at retail or the rental of housing accommodations, shall be guilty of a misdemeanor and, on conviction, shall be punished by a fine of not more than 100 dollars for each such violation.

Sec. 3. Whenever the Governor determines that the welfare of the citizens of this State requires that the State enforce any rationing or price regulation or order issued after the effective date of this Act, he shall by executive order determine that all provisions of this Act, shall apply to such regulations, orders or price schedules, as if such regulations, orders or price schedules were in effect at the date of the enactment of this Act.

Sec. 4. Any license or permit used by any person in connection with any activity involving a violation of any provision of this Act may be revoked or suspended because of such violation in accordance with the procedure provided by law for the revocation or suspension of such license or permit.

Sec. 5. If any provisions of this Act or the application of any provision of this Act to any person or circumstances shall be held invalid, the validity of the remainder of the Act and the applicability of such provision to other persons or circumstances shall not be affected thereby.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	Lee Johnson	Kleber F. Price
Henry Arrowood	Paul S. Jonas	James E. Quill
F. H. Bassett, Jr.	Wm. E. Justice	C. R. Reeves
Douglas T. Bolling	H. Clay Kauffman	L. Allen Rhoads
Jno. W. Burkhart	M. Kavanaugh	Wade H. Riley
Chas. W. Burnley	J. T. Linton	Amos Runyon
C. D. Call	Homer E. Losey	Carl Scheben
Willis Champion	A. L. Love	F. W. Schuhmann
Jno. H. Clarke, Jr.	C. C. May	Vernon Seaton
A. Roy Copeland	Johnston Miller	Leon J. Shaikun
John Henry Cox	Harry L. Moore	Jno. W. Simmons
John P. Craig	Herbert V. Moore	Faust Y. Simpson
Fred Creasey	J. Lee Moore	E. A. Spencer
Adron Doran	L. D. Moore	Geo. W. Steinford
J. R. Dorman	W. B. Moser	Joe Stewart
J. D. Gross	C. Sid Nabb	Thos. M. Swope
R. M. Hall	Jno. C. Newcomb	C. W. Taylor
Claude Hammons	Joe E. Nunn	Roy L. Taylor
Benton Howard	H. C. Patterson	Otis C. Thomas
Clyde S. Howard	Chester Peterson	S. J. Wagner
Jerry F. Howell	J. Gip Prather	Harry F. Walters
J. J. Huff	L. W. Preston	R. E. West

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Those who voted in the negative were—

Thos. S. Dawson	Albert W. Pfeiffer	E. B. Thompson
Jas. P. Hallahan	Sylvester Phillips	John L. Trumbo
G. M. Knuckles	Robt. J. Spaulding	Taylor Witt
Pearl McKinney	Arthur Stallard	
Coy C. Nevitt	H. Thieman, Jr.	

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Resolved that the title thereof be as aforesaid.

Mr. Shaikun moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 37. An Act to provide for an amendment to Section 230 of the Constitution of the Commonwealth, pertaining to the withdrawal of money from the State Treasury and the purposes to which money paid into the State Treasury may be devoted.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 230 of the Constitution of the Commonwealth of Kentucky be, and the same is hereby amended, so that said section, when amended and re-enacted, shall read as follows:

Section 230. MONEY NOT TO BE DRAWN FROM TREASURY UNLESS APPROPRIATED; PUBLICATION; HIGHWAY FUNDS.—No money shall be drawn from the State Treasury, except in pursuance of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published annually.

No money derived from excise or license taxation relating to gasoline and other motor fuels, and no monies derived from fees, excise or license taxation relating to registration, operation, or use of vehicles on public highways shall be expended for other than the cost of administration, statutory refunds and adjustments, payment of highway obligations, costs for construction, rights-of-way, maintenance and repair of public highways and bridges, and expense of enforcing State traffic and motor vehicle laws.

§ 2. This amendment shall be submitted to the voters of the State for their ratification or rejection at the time and in the manner provided for under Sections 256 and 257 of the Constitution of Kentucky and under provisions of Section 118.430 of KRS.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	Chas. B. Gentry	Ed Marcum
Henry Arrowood	Franklin Goins	C. C. May
F. H. Bassett, Jr.	J. D. Gross	Johnston Miller
W. G. Biggers	R. M. Hall	Harry L. Moore
Isaac Blevins	Jas. P. Hallahan	Herbert V. Moore
Douglas T. Bolling	Claude Hammons	J. Lee Moore
J. C. Bradley	B. C. Holbrook	L. D. Moore
Jno. W. Burkhart	Benton Howard	W. B. Moser
C. D. Call	Clyde S. Howard	C. Sid Nabb
Willis Champion	Jerry F. Howell	Coy C. Nevitt
Jno. H. Clarke, Jr.	J. J. Huff	Jno. C. Newcomb
A. Roy Copeland	Lee Johnson	Joe E. Nunn
John Henry Cox	Paul S. Jonas	H. C. Patterson
John P. Craig	Wm. E. Justice	Chester Peterson
Fred Creasey	H. Clay Kauffman	Albert W. Pfeiffer
Thos. S. Dawson	M. Kavanaugh	Sylvester Phillips
Adron Doran	G. M. Knuckles	J. Gip Prather
J. R. Dorman	J. T. Linton	L. W. Preston
T. H. Dyer	Homer E. Losey	Kleber F. Price
Bernie S. Edlin	A. L. Love	Edw. P. Prichard
Dr. J. C. Gabbard	Pearl McKinney	James E. Quill

C. R. Reeves	Jno. W. Simmons	Egbert V. Taylor
L. Allen Rhoads	George T. Smith	Roy L. Taylor
Wade H. Riley	Robt. J. Spaulding	H. Thieman, Jr.
H. G. Royalty	E. A. Spencer	Otis C. Thomas
Amos Runyon	Arthur Stallard	E. B. Thompson
Carl Scheben	Geo. W. Steinford	John L. Trumbo
F. W. Schuhmann	Joe Stewart	Harry F. Walters
Vernon Seaton	Thos. M. Swope	R. E. West
Leon J. Shaikun	C. W. Taylor	Taylor Witt

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Those who voted in the negative were—

Faust Y. Simpson —1

Resolved that the title thereof be as aforesaid.

Mr. Quill moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 323. An Act relating to the collection of the license tax on dogs.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The County Clerk in each County when making out the various tax lists of said county shall, when a dog or dogs have been assessed to any taxpayer, charge the taxpayer with the license tax of $1.00 for each male dog and $2.00 for each female dog, and place it on his or her tax bill for collection by the sheriff, who will upon collection deliver a tag to the taxpayer for the calendar year for the taxes of which the tax bill was made out.

This is intended to be an additional means of enforcing collection of the dog license tax, and shall not relieve the owner of the duty to procure the license and pay the tax as provided in KRS 258.170.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Douglas T. Bolling	Claude Hammons	J. Gip Prather
J. C. Bradley	Benton Howard	L. W. Preston
Jno. W. Burkhart	Clyde S. Howard	Kleber F. Price
Chas. W. Burnley	Paul S. Jonas	James E. Quill
C. D. Call	H. Clay Kauffman	C. R. Reeves
Willis Champion	M. Kavanaugh	L. Allen Rhoads
Jno. H. Clarke, Jr.	J. T. Linton	H. G. Royalty
A. Roy Copeland	Pearl McKinney	Amos Runyon
Marvin Cornett	Johnston Miller	Vernon Seaton
John Henry Cox	Harry L. Moore	Jno. W. Simmons
Fred Creasey	Herbert V. Moore	Robt. J. Spaulding
Adron Doran	J. Lee Moore	Joe Stewart
J. R. Dorman	W. B. Moser	Thos. M. Swope
Bernie S. Edlin	C. Sid Nabb	Egbert V. Taylor
Harry W. Ennis	Jno. C. Newcomb	Roy L. Taylor
Dr. J. C. Gabbard	Joe E. Nunn	E. B. Thompson
J. D. Gross	H. C. Patterson	Harry F. Walters
R. M. Hall	Sylvester Phillips	R. E. West

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Those who voted in the negative were—

Chas. W. Anderson	John P. Craig	T. H. Dyer
Isaac Blevins	Thos. S. Dawson	Chas. B. Gentry

Franklin Goins	Homer E. Losey	F. W. Schuhmann
Jas. P. Hallahan	A. L. Love	George T. Smith
B. C. Holbrook	C. C. May	Arthur Stallard
Jerry F. Howell	L. D. Moore	Geo. W. Steinford
J. J. Huff	Coy C. Nevitt	C. W. Taylor
W. H. Hunt	Chester Peterson	H. Thieman, Jr.
Lee Johnson	Albert W. Pfeiffer	John L. Trumbo
Wm. E. Justice	Wade H. Riley	S. J. Wagner
G. M. Knuckles	Carl Scheben	Taylor Witt

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Resolved that the title thereof be as aforesaid.

Mr. Bolling moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 195. An Act relating to offenses against morality.

With a Committee amendment thereto by way of Substitute therefor.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Any person over the age of seventeen years who willfully takes indecent or improper liberties with the body of a person of the opposite sex under eighteen years of age, with or without the consent of the latter, or who willfully exposes his person in an obsecene or indecent manner to any other person of the opposite sex under eighteen years of age, shall be fined not more than five hundred dollars, or imprisoned for not more than twelve months, or both so fined and imprisoned.

Said Substitute is as follows, viz.:

AN ACT relating to offenses against morality.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Any person over the age of seventeen years who willfully takes indecent or improper liberties with the body of a person of the opposite sex under eighteen years of age, with or without the consent of the latter, or who willfully exposes his person in an obscene or indecent manner to any other person of the opposite sex under eighteen years of age, shall be fined not more than one thousand dollars, or imprisoned for from two to twenty years, or both so fined and imprisoned.

Said Substitute was then adopted.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with and the same having been engrossed, said bill was read the third time by its title only and rejected.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	Bernie S. Edlin	Homer E. Losey
Douglas T. Bolling	Harry W. Ennis	Herbert V. Moore
J. C. Bradley	R. M. Hall	W. B. Moser
Chas. W. Burnley	Jas. P. Hallahan	Jno. C. Newcomb
C. D. Call	Benton Howard	H. C. Patterson
Willis Champion	Clyde S. Howard	Albert W. Pfeiffer
Marvin Cornett	Jerry F. Howell	L. W. Preston
John P. Craig	Paul S. Jonas	Kleber F. Price
Adron Doran	H. Clay Kauffman	James E. Quill
J. R. Dorman	J. T. Linton	C. R. Reeves

Amos Runyon	George T. Smith	Roy L. Taylor
Carl Scheben	C. W. Taylor	S. J. Wagner
Vernon Seaton	Egbert V. Taylor	R. E. West

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Those who voted in the negative were—

Isaac Blevins	Wm. E. Justice	Wade H. Riley
W. G. Biggers	M. Kavanaugh	H. G. Royalty
Jno. W. Burkhart	G. M. Knuckles	F. W. Schuhmann
Jno. H. Clarke, Jr.	A. L. Love	Jno. W. Simmons
A. Roy Copeland	Pearl McKinney	Faust Y. Simpson
John Henry Cox	C. C. May	Robt. J. Spaulding
Fred Creasey	Johnston Miller	E. A. Spencer
T. H. Dyer	Harry L. Moore	Arthur Stallard
Dr. J. C. Gabbard	J. Lee Moore	Joe Stewart
Chas. B. Gentry	L. D. Moore	Thos. M. Swope
Franklin Goins	C. Sid Nabb	H. Thieman, Jr.
J. D. Gross	Joe E. Nunn	Otis C. Thomas
Claude Hammons	Chester Peterson	E. B. Thompson
B. C. Holbrook	Sylvester Phillips	John L. Trumbo
J. J. Huff	J. Gip Prather	Taylor Witt
Lee Johnson	L. Allen Rhoads	

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Mr. Scheben moved that the vote by which said bill was rejected, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 380. An Act for the protection of persons under eighteen years of age selling newspapers at retail, defining the proof of certain offenses and prescribing penalties.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Any person who obtains newspapers from a person under eighteen years of age engaged in selling newspapers at retail, without paying therefor, with intent to defraud such person selling newspapers, shall be fined not more than twenty-five dollars or imprisoned not more than thirty days, or both.

§ 2. Proof that any person refused or neglected to pay for such newspapers upon demand shall be prima facie evidence of the fraudulent intent contemplated by this Act.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	J. D. Gross	C. C. May
W. G. Biggers	Claude Hammons	Johnston Miller
J. C. Bradley	B. C. Holbrook	Harry L. Moore
Jno. W. Burkhart	Benton Howard	Herbert V. Moore
Chas. W. Burnley	Clyde S. Howard	L. D. Moore
C. D. Call	Jerry F. Howell	W. B. Moser
A. Roy Copeland	W. H. Hunt	C. Sid Nabb
Marvin Cornett	Lee Johnson	Jno. C. Newcomb
John Henry Cox	Paul S. Jonas	Joe E. Nunn
Fred Creasey	Wm. E. Justice	H. C. Patterson
Adron Doran	H. Clay Kauffman	Chester Peterson
J. R. Dorman	M. Kavanaugh	Albert W. Pfeiffer
T. H. Dyer	G. M. Knuckles	L. W. Preston
Bernie S. Edlin	J. T. Linton	Kleber F. Price
Dr. J. C. Gabbard	Homer E. Losey	James E. Quill
Chas. B. Gentry	A. L. Love	C. R. Reeves
Franklin Goins	Pearl McKinney	L. Allen Rhoads

Wade H. Riley	George T. Smith	Roy L. Taylor
Amos Runyon	Robt. J. Spaulding	E. B. Thompson
Carl Scheben	E. A. Spencer	John L. Trumbo
F. W. Schuhmann	Arthur Stallard	S. J. Wagner
Vernon Seaton	Geo. W. Steinford	Harry F. Walters
Jno. W. Simmons	C. W. Taylor	R. E. West
Faust Y. Simpson	Egbert V. Taylor	Taylor Witt

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Those who voted in the negative were—

Isaac Blevins	J. J. Huff	H. G. Royalty
John P. Craig		

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Resolved that the title thereof be as aforesaid.

Mr. Creasey moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 316. An Act to repeal, amend, and re-enact subsection 6 of section 51 of Carroll's Code of Practice, relating to service of process on non-resident persons, associations, or partnerships and to enact in its stead the following:

Said bill is as follows, viz.:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

Section 51, subsection 6 of Carroll's Code is repealed, amended and re-enacted and when so repealed, amended and re-enacted shall read as follows:

When a corporation, association, company or individual has, for the transaction of any business, an office or agency

in any county of this state other than that in which the principal resides, service of process may be had on any agent or clerk employed in such office or agency, in all actions growing out of or connected with the business of that office or agency.

Mr. Rhoads offered the following amendment to said bill, viz.:

Amend H. B. 316 on page 1, section 1, line 1 through 8 inclusive by striking all of lines 1 through 8 inclusive and inserting in lieu thereof the following: "Section 51, subsection 6 of Carroll's Civil Code of Practice is repealed, amended and re-enacted and when so repealed, amended and re-enacted, shall read as follows:

"When any association or any company other than a corporation or when any individual has, for the transaction of any business, an office or agency in any county of this state other than that in which the principal resides, service of process may be had on the agent or manager in charge of such office or agency, in all actions growing out of or connected with the business of that office or agency."

Said amendment was agreed to.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at lentgh having been dispensed with and the same having been engrossed, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	W. G. Biggers	J. C. Bradley
Henry Arrowood	Isaac Blevins	Jno. W. Burkhart

C. D. Call	H. Clay Kauffman	L. Allen Rhoads
Jno. H. Clarke, Jr	G. M. Knuckles	Wade H. Riley
A. Roy Copeland	J. T. Linton	H. G. Royalty
Marvin Cornett	Homer E. Losey	Amos Runyon
John Henry Cox	A. L. Love	Carl Scheben
John P. Craig	Pearl McKinney	F. W. Schuhmann
Fred Creasey	C. C. May	Vernon Seaton
Adron Doran	Johnston Miller	Jno. W. Simmons
J. R. Dorman	Harry L. Moore	Faust Y. Simpson
T. H. Dyer	Herbert V. Moore	George T. Smith
Bernie S. Edlin	J. Lee Moore	Robt. J. Spaulding
Dr. J. C. Gabbard	L. D. Moore	E. A. Spencer
Chas. B. Gentry	W. B. Moser	Arthur Stallard
Franklin Goins	C. Sid Nabb	Geo. W. Steinford
J. D. Gross	Jno. C. Newcomb	Thos. M. Swope
Jas. P. Hallahan	Joe E. Nunn	C. W. Taylor
B. C. Holbrook	H. C. Patterson	Egbert V. Taylor
Benton Howard	Chester Peterson	Roy L. Taylor
Jerry F. Howell	Albert W. Pfeiffer	H. Thieman, Jr.
J. J. Huff	Sylvester Phillips	E. B. Thompson
W. H. Hunt	L. W. Preston	S. J. Wagner
Lee Johnson	Kleber F. Price	Harry F. Walters
Paul S. Jonas	James E. Quill	R. E. West
Wm. E. Justice	C. R. Reeves	Taylor Witt

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Mr. Rhoads offered the following amendment to the title of said bill, viz.:

Amend the title to H. B. 316 by striking therefrom the title and inserting the following:

"An Act to repeal, amend and re-enact subsection 6 of Section 51 of Carroll's Civil Code of Practice, relating to service of process on non resident persons, associations or partnerships and to enact in its stead the following:

Said amendment was agreed to.

Resolved that the title thereof be as amended.

Mr. Miller moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 167. An Act amending and re-enacting KRS 179.410 relating to state appropriations for county roads allocated among the several counties and providing for quarter annual reports of county balances.

Said bill is as follows, viz.:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

KRS 179.410 is amended and re-enacted to read as follows:

The Department of Highways shall allocate the sum appropriated by the State for the construction, reconstruction, improvement, and maintenance of county roads and bridges as follows:

(1) One-third of the sum appropriated shall be apportioned equally between the one hundred and twenty counties.

(2) One-third of the sum allocated shall be apportioned among the several counties on the basis of the ratio which the population of each county bears to the total population of the state.

(3) One-third of the sum allocated shall be apportioned among the several counties on the basis of the ratio which the

square mile area of the county bears to the total square mile area of the state.

(4) The Department of Highways at the close of each quarter of the current fiscal year, or as soon thereafter as practicable, shall furnish to the fiscal courts of the several counties a statement showing the total amount of all disbursements, the unliquidated and unencumbered balances of the funds allocated to the respective counties for that fiscal year.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	Bernie S. Edlin	M. Kavanaugh
Henry Arrowood	Dr. J. C. Gabbard	J. T. Linton
W. G. Biggers	Chas. B. Gentry	Homer E. Losey
Isaac Blevins	Franklin Goins	A. L. Love
Jno. W. Burkhart	J. D. Gross	Pearl McKinney
Chas. W. Burnley	Jas. P. Hallahan	C. C. May
C. D. Call	Claude Hammons	Johnston Miller
Jno. H. Clarke, Jr.	B. C. Holbrook	Harry L. Moore
A. Roy Copeland	Benton Howard	Herbert V. Moore
Marvin Cornett	Jerry F. Howell	J. Lee Moore
John Henry Cox	J. J. Huff	L. D. Moore
John P. Craig	W. H. Hunt	C. Sid Nabb
Fred Creasey	Lee Johnson	Jno. C. Newcomb
Adron Doran	Paul S. Jonas	Joe E. Nunn
J. R. Dorman	Wm. E. Justice	H. C. Patterson
T. H. Dyer	H. Clay Kauffman	Chester Peterson

Sylvester Phillips	Vernon Seaton	Roy L. Taylor
L. W. Preston	Jno. W. Simmons	H. Thieman, Jr.
Kleber F. Price	Faust Y. Simpson	E. B. Thompson
James E. Quill	George T. Smith	John L. Trumbo
C. R. Reeves	Robt. J. Spaulding	S. J. Wagner
L. Allen Rhoads	E. A. Spencer	Harry F. Walters
H. G. Royalty	Arthur Stallard	R. E. West
Amos Runyon	Thos. M. Swope	Taylor Witt
Carl Scheben	C. W. Taylor	
F. W. Schuhmann	Egbert V. Taylor	—76

Resolved that the title thereof be as aforesaid.

Mr. Quill moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 216. An Act to amend and re-enact Section 134.270 of KRS, relating to the limitation of action against sheriffs and their sureties.

With a Committee amendment thereto.

Said bill is as follows, viz.:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 134.270 of Kentucky Revised Statutes be amended and re-enacted so that said Section as amended and re-enacted shall read as follows:

Neither the sheriff nor a surety shall be liable for any act or default of the sheriff in connection with his revenue

duties unless notice of the act or default giving rise to a claim upon the bond has been given to the surety by the Department of Revenue, the county judge, the county attorney or other person asserting the claim within ninety days after discovery or at the latest within four years after the end of the year within which the bond was executed.

Said Committee amendment is as follows, viz.:

Amend H. B. 216 on page 1, section 1, line 9 by striking out "four" and inserting in lieu thereof the word "two".

Said amendment was disagreed to.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	Jas. P. Hallahan	Johnston Miller
Henry Arrowood	Claude Hammons	Harry L. Moore
Isaac Blevins	B. C. Holbrook	Herbert V. Moore
Jno. W. Burkhart	Benton Howard	J. Lee Moore
Chas. W. Burnley	Clyde S. Howard	L. D. Moore
Jno. H. Clarke, Jr.	Jerry F. Howell	W. B. Moser
Marvin Cornett	J. J. Huff	C. Sid Nabb
John P. Craig	W. H. Hunt	Jno. C. Newcomb
Adron Doran	Lee Johnson	H. C. Patterson
J. R. Dorman	Paul S. Jonas	Chester Peterson
Bernie S. Edlin	Wm. E. Justice	Sylvester Phillips
Dr. J. C. Gabbard	Homer E. Losey	J. Gip Prather
Chas. B. Gentry	A. L. Love	James E. Quill
J. D. Gross	Pearl McKinney	L. Allen Rhoads

Amos Runyon	E. A. Spencer	E. B. Thompson
Carl Scheben	Arthur Stallard	John L. Trumbo
F. W. Schuhmann	Geo. W. Steinford	S. J. Wagner
Vernon Seaton	Thos. M. Swope	R. E. West
Jno. W. Simmons	Egbert V. Taylor	Taylor Witt
Faust Y. Simpson	Roy L. Taylor	
Robt. J. Spaulding	H. Thieman, Jr.	—61

Those who voted in the negative were—

C. D. Call	L. W. Preston	H. G. Royalty
H. Clay Kauffman	Kleber F. Price	George T. Smith
M. Kavanaugh	C. R. Reeves	C. W. Taylor
J. T. Linton	Wade H. Riley	—11

Resolved that the title thereof be as aforesaid.

Mr. Quill moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 399. An Act making it a misdemeanor for any person holding an appointive office in the state government to engage in pernicious political activities, and providing penalties for violation.

Said bill is as follows, viz.:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1: It shall be unlawful for any person who holds any appointive office in any department of the state government to use his official authority or influence for the purpose

of interfering with an election, or a nomination for office, or affecting the result thereof, or to control or modify the political action of any other person; nor shall any such person take any active part in a poltical campaign, primary election, or convention, or be a member of any campaign committee or governing committee of any poltical organization. All such persons shall retain the right to vote as they may choose and to express their opinion on all political subjects and candidates.

Sec. 2: It shall be unlawful for any person who holds any appointive office in any department of the state government, directly or indirectly, to promise any employment, position, work, compensation, or other benefit, to any person as a consideration, favor or reward for any political activity in any election, primary election, or convention.

Sec. 3: Any person who violates any of the provisions of this act shall, for each offense, be fined not more than Ten Thousand Dollars, and imprisoned in the county jail not less than thirty days, nor more than one year, and upon conviction shall be immediately removed from the position or office held by him, and the judgment of conviction shall so declare.

Sec. 4: Whereas existing statutory provisions are inadequate to prevent pernicious political activities on the part of persons holding appointive offices in the state government, an emergency is hereby declared to exist, and this act shall become effective immediately upon its passage and approval as required by law.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with, said bill was read the third time by its title only and rejected, having failed to receive a Constitutional majority.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	Benton Howard	H. C. Patterson
J. C. Bradley	Jerry F. Howell	Chester Peterson
Jno. W. Burkhart	W. H. Hunt	Sylvester Phillips
Chas. W. Burnley	Lee Johnson	J. Gip Prather
C. D. Call	Paul S. Jonas	L. W. Preston
Jno. H. Clarke, Jr.	Wm. E. Justice	Kleber F. Price
A. Roy Copeland	H. Clay Kauffman	James E. Quill
John Henry Cox	M. Kavanaugh	L. Allen Rhoads
John P. Craig	J. T. Linton	Amos Runyon
Adron Doran	Homer E. Losey	F. W. Schuhmann
J. R. Dorman	A. L. Love	Vernon Seaton
Bernie S. Edlin	Herbert V. Moore	Faust Y. Simpson
Dr. J. C. Gabbard	J. Lee Moore	Geo. W. Steinford
Franklin Goins	L. D. Moore	Thos. M. Swope
J. D. Gross	W. B. Moser	Egbert V. Taylor
Claude Hammons	C. Sid Nabb	Roy L. Taylor
B. C. Holbrook	Joe E. Nunn	—50

Those who voted in the negative were—

Henry Arrowood	Coy C. Nevitt	E. A. Spencer
Isaac Blevins	Jno. C. Newcomb	Arthur Stallard
Marvin Cornett	Albert W. Pfeiffer	C. W. Taylor
T. H. Dyer	C. R. Reeves	H. Thieman, Jr.
Chas. B. Gentry	Wade H. Riley	E. B. Thompson
Jas. P. Hallahan	H. G. Royalty	John L. Trumbo
Clyde S. Howard	Carl Scheben	R. E. West
J. J. Huff	Jno. W. Simmons	Taylor Witt
Pearl McKinney	George T. Smith	
Johnston Miller	Robt. J. Spaulding	—28

At the instance of the Committee on Rules, the House

took up for consideration from the Orders of the Day, a bill entitled:

H. B. 295. An Act relating to compensation of county jailers.

Said bill is as follows, viz.:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

Section 64.150 of the Kentucky Revised Statutes is amended to read as follows:

(1) Jailers shall be paid out of the county treasury, except as provided in subsection (2) of this section, the following fees for the following services:

Attending county and quarterly courts, per day not exceeding	$2.00
Furnishing fuel and lights to county and quarterly courts, except as provided in KRS 67.150, a reasonable compensation, not exceeding, per day	2.00
Putting a prisoner in irons, for an offense other than a felony or contempt, besides the cost of irons	.50
Keeping and dieting prisoners in jail, in counties not containing a first-class city, when confined for an offense other than a felony or contempt of court, per day	1.00
Keeping and dieting prisoners in jail, in counties containing a first-class city, when confined for an offense other than a felony or contempt of court, per day	1.00
Imprisoning and releasing a prisoner charged with a misdemeanor	.60

(2) Where the prisoner is confined for a breach of the bylaws or ordinances of a city, or for violation of a statute where the city gets the benefit of the fine, the fees for keeping and dieting the prisoner and for imprisoning and releasing him shall be paid by such city.

(3) Jailers shall be paid out of the State Treasury the following fees for the following services:

Imprisoning and releasing a prisoner charged with a felony or contempt	.60
Keeping and dieting a prisoner charged with a felony or contempt, per day	1.25
Putting a prisoner charged with a felony or contempt in irons, to secure his safekeeping in the jail, besides the cost of the irons	.50
Each day's attendance upon the circuit court	2.00
Furnishing fuel, light and water to the circuit court, not exceeding, per day	2.00

(4) For all other services performed by the jailer, he shall receive the same fees paid to sheriffs for like services.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	Jno. W. Burkhart	John P. Craig
Henry Arrowood	Chas. W. Burnley	Adron Doran
Isaac Blevins	C. D. Call	J. R. Dorman
J. C. Bradley	A. Roy Copeland	T. H. Dyer

Bernie S. Edlin	Herbert V. Moore	Carl Scheben
Dr. J. C. Gabbard	J. Lee Moore	F. W. Schuhmann
Claude Hammons	L. D. Moore	Vernon Seaton
B. C. Holbrook	W. B. Moser	Jno. W. Simmons
Benton Howard	C. Sid Nabb	Faust Y. Simpson
Clyde S. Howard	Jno. C. Newcomb	George T. Smith
Jerry F. Howell	Joe E. Nunn	Robt. J. Spaulding
J. J. Huff	H. C. Patterson	E. A. Spencer
Lee Johnson	Chester Peterson	Arthur Stallard
Paul S. Jonas	Albert W. Pfeiffer	Geo. W. Steinford
H. Clay Kauffman	Sylvester Phillips	Thos. M. Swope
M. Kavanaugh	J. Gip Prather	C. W. Taylor
J. T. Linton	L. W. Preston	Egbert V. Taylor
A. L. Love	Kleber F. Price	H. Thieman, Jr.
Pearl McKinney	James E. Quill	E. B. Thompson
C. C. May	C. R. Reeves	John L. Trumbo
Johnston Miller	Wade H. Riley	Harry F. Walters
Harry L. Moore	H. G. Royalty	R. E. West

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Those who voted in the negative were—

Jno. H. Clarke, Jr.	Chas. B. Gentry	Homer E. Losey
Marvin Cornett	Wm. E. Justice	Taylor Witt

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Resolved that the title thereof be as aforesaid.

Mr. Quill moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 377. An Act relating to parole.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky.

§ 1. In addition to the provisions of KRS 439.105, until the date upon which the President of the United States shall declare that a National Emergency no longer exists, the Governor may, at his discretion parole at any time, for service in the armed forces of this country any person under conviction for a felony.

§ 2. As the present conflict in which this country is engaged demands the service of all men physically fit for the armed forces, an emergency is declared to exist, and this bill shall become a law when properly passed by the General Assembly and approved by the Governor.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	Adron Doran	Clyde S. Howard
Isaac Blevins	J. R. Dorman	Jerry F. Howell
J. C. Bradley	T. H. Dyer	J. J. Huff
Jno. W. Burkhart	Bernie S. Edlin	Lee Johnson
Chas. W. Burnley	Dr. J. C. Gabbard	Paul S. Jonas
C. D. Call	Chas. B. Gentry	Wm. E. Justice
Jno. H. Clarke, Jr.	J. D. Gross	H. Clay Kauffman
A. Roy Copeland	Jas. P. Hallahan	M. Kavanaugh
Marvin Cornett	Claude Hammons	J. T. Linton
John Henry Cox	B. C. Holbrook	Homer E. Losey
John P. Craig	Benton Howard	A. L. Love

Pearl McKinney	Sylvester Phillips	George T. Smith
C. C. May	J. Gip Prather	Robt. J. Spaulding
Johnston Miller	L. W. Preston	Arthur Stallard
Harry L. Moore	Kleber F. Price	Geo. W. Steinford
Herbert V. Moore	James E. Quill	Thos. M. Swope
J. Lee Moore	C. R. Reeves	Egbert V. Taylor
L. D. Moore	Wade H. Riley	Roy L. Taylor
W. B. Moser	H. G. Royalty	H. Thieman, Jr.
C. Sid Nabb	Amos Runyon	John L. Trumbo
Coy C. Nevitt	Carl Scheben	Harry F. Walters
H. C. Patterson	F. W. Schuhmann	R. E. West
Chester Peterson	Vernon Seaton	Taylor Witt
Albert W. Pfeiffer	Jno. W. Simmons	—71

Those who voted in the negative were—

Faust Y. Simpson	Otis C. Thomas	E. B. Thompson

—3

Resolved that the title therefore be as aforesaid.

Mr. Quill moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 51. A CONCURRENT RESOLUTION providing for the reservation of parking space on the Capitol grounds for members of the General Assembly.

Said resolution is as follows, viz:

Be it Resolved by the House of Representatives of the Commonwealth of Kentucky, the Senate concurring therein:

That the Division of Purchases and Public Properties of the Department of Finance is directed to make provisions

forthwith for the reservation of parking space on the Capitol grounds for each member of the General Assembly. The said division shall cause a suitable space to be reserved for each member by the use of placards, numbers or other convenient reserving device. Any expense connected therewith shall be paid out of the appropriation for ordinary recurring expenses of the Division of Purchases and Public Properties.

Said resolution was adopted.

At the instance of the Committee on Rules, and without objection, the following bills and resolutions were introduced, viz:

By Mr. Hammons.

H. B. 433. An Act appropriating money to the emergency fund for lands and buildings etc.

Said bill is as follows, viz:

AN ACT appropriating money to the emergency fund for lands and buildings for the purposes of repair, reconstruction and construction of buildings and for the purposes of purchasing lands, buildings, and appurtenances, and for the purposes of equipping and supplying the penal institutions, the mental hospitals, the Feeble-minded Institute, the School for the Deaf, the State schools under the direct supervision of the State Board of Education and Hazlewood Tuberculosis Hospital.

WHEREAS, no budget bill has been passed by the 1944 General Assembly for the fiscal years 1944-45 and 1945-46, and

WHEREAS, under Section 45.120 of the Kentucky Revised Statutes the State will operate for each of these fiscal years under the appropriations made for the fiscal year next

preceding, exclusive of any appropriations for extraordinary expenses and capital outlays, and

WHEREAS, emergencies may arise that may necessitate the expenditures of sums for extraordinary expenses or capital outlay, NOW, THEREFORE,

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

There is hereby appropriated to the emergency fund for lands and buildings a portion of the unencumbered cash balance in the general expenditure fund at the close of the fiscal year ending June 30, 1944, and at the close of the fiscal year ending June 30, 1945, for the purposes of repair, reconstruction and construction of buildings, and for the purposes of purchasing lands, buildings and appurtenances, and for the purposes of equipping and supplying the penal institutions, the mental hospitals, the Feeble-minded Institute, the School for the Deaf, the State schools under the direct supervision of the State Board of Education and Hazlewood Tuberculosis Hospital.

This sum or amount shall not exceed One Million Dollars ($1,000,000.) for each fiscal year, nor shall said sum or amount exceed the difference between the unencumbered cash balance in the Treasury to the credit of the general expenditure fund, and the amount which shall be determined necessary as operating capital within this fund preliminary to meeting the budgetary requirements for the 1944-45 and 1945-46 fiscal years.

The Governor with the advise of the Commissioner of Finance, the Commissioner of Revenue, the Commissioner of Welfare, and the Treasurer shall determine the necessary amount of operating capital as defined above and shall make direct approval of all expenditures from this appropriation.

By Mr. Hammons.

H. B. 434. An Act appropriating to the general emergency fund for meeting ordinary recurring and extraordinary expenses including extraordinary expenses for old age assistance, aid to the needy blind, and aid to dependent children.

Said bill is as follows, viz:

WHEREAS, no budget bill has been passed by the 1944 General Assembly for the fiscal years 1944-45 and 1945-46, and

WHEREAS, under Section 45.120 of the Kentucky Revised Statutes the State will operate for each of these fiscal years under the appropriations made for the fiscal year next preceding, exclusive of any appropriations for extraordinary expenses and capital outlays, and

WHEREAS, emergencies may arise that may necessitate the expenditures of sums for extraordinary expenses or capital outlay, NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

There is hereby appropriated out of the general expenditure fund for the fiscal year 1944-45 and 1945-46, for meeting ordinary recurring and extraordinary expenses deemed emergencies by the Governor of the Commonwealth, and to be expended by the Governor in his discretion for any emergency that he may determine requires the expenditure of any part of said fund, including extraordinary expenses for old age assistance, and to the needy blind, and aid to dependent children, the sum of Four Hundred Fifty Thousand Dollars ($450,000.) for each fiscal year.

By Mr. Swope.

H. B. 435. An Act relating to the classification of cities.

Said bill is as follows, viz:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The City of Winchester in Clark County is hereby transferred from the fourth class to the third class of cities. H. B. 191 of the 1944 General Assembly is hereby repealed in so far as it conflicts with this Act.

Ordered that said bills be printed.

By Mr. Swope.

H. Res. 80. A JOINT RESOLUTION authorizing J. T. Eads, of Lexington, Kentucky, to sue the Commonwealth of Kentucky and the State Highway Commission, either or both.

Said resolution is as follows, viz:

Be it Resolved by the General Assembly of the Commonwealth of Kentucky, that J. T. Eads, of Lexington, Kentucky, is authorized to sue the Commonwealth of Kentucky, the State Highway Commission, either or both, in the Fayette Circuit Court, for damages resulting from personal property damages caused by the alleged negligence on the part of an employee of the Commonwealth of Kentucky while said employee was in the line of duty as an employee of the Commonwealth of Kentucky.

Said suit shall be for a sum not in excess of four hundred fifty dollars ($450.00).

The Attorney General of the Commonwealth of Kentucky may investigate the claim against the Commonwealth herein and settle said claim before or after suit is filed, if he deems it advisable. Any amount recovered in said suit, or by settlement with the Attorney General, shall be paid out of the General Fund upon warrant drawn by the Commissioner of Finance, upon the State Treasury.

In the event suit is filed and judgment rendered by the circuit court, either party may appeal to the Court of Appeals.

No settlement in this Resolution shall be considered by either the Court or jury, as an admission of negligence on the part of the Commonwealth, and this Resolution shall not be introduced as evidence or commented upon by counsel, in argument to the jury.

By Mr. Thomas.

H. Res. 81. Resolution designating State Highway 49 from Liberty to Lebanon, Kentucky, as the "Major Drye Highway"

Said resolution is as follows, viz:

WHEREAS, L. M. Drye of Marion County, Kentucky, was a Major in the Union Army during the war between the States, and

WHEREAS, Wad Drye of Casey County, Kentucky, was a Major in the Union Army during the war between the States, and

WHEREAS, both the Majors Drye performed valorous and meritorious service for their country, especially along the highway from Liberty, Kentucky, to Lebanon, Kentucky.

Therefore, be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That State Highway Number 49, from Liberty, Kentucky, to Lebanon, Kentucky, shall be known and designated as the "Major Drye Highway".

By Mr. Waterfield.

H. Res. 82. Resolution authorizing Iva Fannin, by her next friend, to sue the Commonwealth.

Said resolution is as follows, viz:

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That Iva Fannin, by her next friend, Estill Fannin is authorized to sue the Commonwealth of Kentucky in Elliott Circuit Court for damages resulting from personal injury (or property damage) caused by alleged negligence on the part of an employee of the Commonwealth of Kentucky while said employee was in the line of duty as an employee of this Commonwealth.

Said suit shall be for a sum not in excess of $5,000.00.

The Attorney General of the Commonwealth of Kentucky may investigate the claim against the Commonwealth herein and settle said claim before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the General Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky. No plea of limitations shall be interposed.

No statement in this resolution shall be considered by either the Court or jury as an admission of negligence upon the part of the Commonwealth and this resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

Ordered that said resolutions be printed and referred

To the Committee on Rules.

Mr. Quill moved that the House do now adjourn.

Said motion was agreed to.

And then the House adjourned.

FRIDAY, MARCH 10, 1944

The House was called to order by The Honorable Harry Lee Waterfield, Speaker.

The House was opened with prayer by the Reverend O. L. Gilmore of the Presbyterian Church, North, of Frankfort.

The roll was called and the following members answered to their names, viz.:

Chas. W. Anderson	Willis Champion	Bernie S. Edlin
Henry Arrowood	Jno. H. Clarke, Jr.	Harry W. Ennis
F. H. Bassett, Jr.	A. Roy Copeland	Dr. J. C. Gabbard
W. G. Biggers	Marvin Cornett	Franklin Goins
Isaac Blevins	John Henry Cox	R. M. Hall
Douglas T. Bolling	John P. Craig	Jas. P. Hallahan
J. C. Bradley	Fred Creasey	Claude Hammons
Jno. W. Burkhart	Thos. S. Dawson	B. C. Holbrook
Chas. W. Burnley	Adron Doran	Benton Howard
C. D. Call	J. R. Dorman	Clyde S. Howard
Fred Carpenter	T. H. Dyer	Jerry F. Howell

J. J. Huff
W. H. Hunt
Lee Johnson
Paul S. Jonas
Wm. E. Justice
H. Clay Kauffman
M. Kavanaugh
G. M. Knuckles
J. T. Linton
Homer E. Losey
A. L. Love
Ed Marcum
C. C. May
Johnston Miller
Harry L. Moore
Herbert V. Moore
J. Lee Moore
L. D. Moore
W. B. Moser
C. Sid Nabb
Coy C. Nevitt
Jno. C. Newcomb
Joe E. Nunn
H. C. Patterson
Chester Peterson
Albert W. Pfeiffer
Sylvester Phillips
J. Gip Prather
L. W. Preston
Kleber F. Price
Edw. P. Prichard
James E. Quill
C. R. Reeves
L. Allen Rhoads
Wade H. Riley
H. G. Royalty
Amos Runyon
Carl Scheben
F. W. Schuhmann
Vernon Seaton
Jno. W. Simmons
Faust Y. Simpson
George T. Smith
Robt. J. Spaulding
E. A. Spencer
Arthur Stallard
Geo. W. Steinford
Joe Stewart
C. W. Taylor
Egbert V. Taylor
Roy L. Taylor
H. Thieman, Jr.
Otis C. Thomas
E. B. Thompson
John L. Trumbo
S. J. Wagner
Harry F. Walters
R. E. West
Taylor Witt
Speaker Harry Lee Waterfield

Mr. Reeves moved that the reading of the Journal of yesterday's proceedings be dispensed with.

Said motion was agreed to.

Mr. J. Lee Moore moved that when the House adjourn today, it adjourn out of respect to the memory of Irvin S. Cobb, a native son of Kentucky.

Said motion was agreed to.

Mr. Quill moved that when the House adjourn today, it adjourn to meet again on tomorrow at 10:00 A. M.

Said motion was agreed to.

Mr. Walters moved that Roy L. Taylor, son of The Honorable Roy L. Taylor, be appointed an Honorary Page of this House.

Said motion was agreed to.

Mr. Quill offered a concurrent resolution entitled:

H. Res. 83. Resolution providing that a quorum remain in the House and Senate for the purpose of receiving late messages from one House to the other.

Said resolution is as follows, viz.:

WHEREAS, due to shortage of help, bills cannot be printed as promptly as in former years, and

WHEREAS, many bills must be enrolled during the last days of the session, and

WHEREAS, it is important during the remaining days of the session of the General Assembly that bills and resolutions be transmitted promptly from one house to the other house to permit printing of the bills and resolutions as promptly as possible and to expedite enrolling of bills so as to prevent a jam in the work of the enrolling clerks on the last day of the session.

Therefore be it Resolved by the House of Representatives the Senate concurring:

That each day hereafter until sine die adjournment each house will, upon completion of their business, hold in obeyance adjournment of each day's session, but maintain a quorum until the Clerk of the other house has delivered any message he may have.

Said resolution was adopted.

Mr. Prather offered the following resolution, viz.:

A RESOLUTION of the House of Representatives of the General Assembly of the Commonwealth of Kentucky.

Be it Resolved that this honorable body, in view of the recent accident to our esteemed member, James T. Philpott, and the serious illness of his beloved wife, the House hereby extends its sincerest sympathy to them, and asks that they accept a small token of their respects, and hope that they will enjoy the floral offering which accompanies this resolution.

Said resolution was adopted.

At the instance of the Committee on Rules, the following bills were reported, viz.:

S. B. 95. An Act relating to housing for persons in National Defense Work.

S. B. 118. An Act relating to veterans of the World Wars.

S. B. 127. An Act relating to the operation of electric and water systems and facilities by cities of the second and third classes.

S. B. 129. An Act to impose additional liability upon insurance companies and other corporations.

S. B. 144. An Act relating to the purchase of liability and compensation of insurance by counties, etc.

S. Res. 36. Resolution authorizing A. B. Boyd to sue the Commonwealth.

S. Res. 38. Resolution authorizing the payment of a claim against the Commonwealth to the Waldrup Provisions Co.

S. Res. 41. Resolution providing for the payment of ministers of the churches of Frankfort.

H. B. 408. An Act relating to inheritance taxes.

With the expression of opinion that said bills ought to pass.

Said bills were each and severally read at length the first time and ordered to be placed on the Calendar.

At the instance of the Committee on Rules, the House took up for consideration from the Calendar, bills and resolutions of the following titles, viz.:

H. Res. 12. Resolution memorializing Congress to pass a law enabling the ceiling prices on crude petroleum to be increased.

H. Res. 31. Resolution providing for the issual of license to Grover Cleveland Bentley to practice dentistry.

H. Res. 73. Resolution authorizing and directing the renovation and redecoration of House Chamber.

H. Res. 74. Resolution authorizing the personal representative of Gerald D. Troutman, deceased, to sue the Commonwealth.

H. Res. 75. Resolution authorizing the payment of costs and attorney fees in contest case of Hamilton vs. Thieman.

H. Res. 76. Resolution authorizing the payment of costs and attorney fees in contest case of Spilman vs. Phillips.

H. Res. 77. Resolution authorizing the payment of costs and attorneys fees in contest case of Hamilton vs. Thieman.

H. Res. 78. Resolution authorizing Mill Gleason to sue the Commonwealth.

H. B. 210. An Act relating to carrying concealed deadly weapons.

H. B. 369. An Act providing for inheritance to and from adopted parents and adopted children.

H. B. 373. An Act relating to division fences.

H. B. 396. An Act relating to state colleges.

H. B. 394. An Act pertaining to the civil jurisdiction of justices of courts.

H. B. 403. An Act relating to trade practices.

H. B. 407. An Act relating to the usurpation of offices or franchises.

H. B. 411. An Act relating to the qualifications of justice of peace.

H. B. 418. An Act relating to county public schools.

H. B. 419. An Act enabling cities of second, third, fourth, fifth and sixth classes to acquire, maintain a gas well, etc.

H. B. 425. An Act relating to teachers' retirement.

H. B. 431. An Act relating to Unemployment Compensation.

H. B. 432. An Act relating to Unemployment Compensation.

Ordered that said bills be read the second time.

The Constitutional provision as to the second reading of said bills at length having been dispensed with, said bills were read the second time by their titles only.

Ordered that said bills be placed in the Orders of the Day.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 30. An Act repealing, amending, and re-enacting Section 68.090, Kentucky Revised Statutes, so as to provide for an exception to the limitation on ad valorem taxes for the financing of tubercular institutions in legally established tubercular districts.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 68.090 of the Kentucky Revised Statutes be repealed, amended, and re-enacted so that when so repealed, amended, and re-enacted, it shall read as follows, to-wit:

"For county purposes the fiscal court of each county may levy a poll tax on each male resident of the county who is of the age of twenty-one years or over and is not exempt under KRS 142.020, and shall levy an ad valorem tax on all property subject to county taxation. This section does not authorize the fiscal court to levy a tax to pay any railroad bonded indebtedness or any interest thereon. The poll tax shall not exceed one dollar and fifty cents on each person taxed, and the ad valorem tax shall not exceed fifty cents on each one hundred dollars' worth of property taxed; except that, if an additional tax is required to pay the principal or interest on

indebtedness of the county or a taxing district therein incurred prior to the adoption of the Constitution, the fiscal court may levy such additional tax as is authorized by law in force prior to the adoption of the Constitution.

"It is further provided that in any county which has under the law now in force established itself as a tubercular district the fiscal court shall levy a tax sufficient to maintain a tubercular institution and to provide for the salaries of the medical staff thereof and any other necessary expenses incident thereto taking into consideration any federal, state, or private financial assistance which may be given to such institution or which by existing law or that hereafter enacted such institution may be entitled to receive. Such levy shall be an ad valorem tax on all property subject to county taxation and shall not exceed ten cents on each one hundred dollars' worth of property so taxed and such ten cents shall be an additional tax to the fifty cents ad valorem tax limitation hereinbefore provided for."

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	Chas. W. Burnley	John Henry Cox
Henry Arrowood	C. D. Call	John P. Craig
F. H. Bassett, Jr.	Willis Champion	Fred Creasey
W. G. Biggers	Jno. H. Clarke, Jr.	Thos. S. Dawson
Isaac Blevins	A. Roy Copeland	Adron Doran
Douglas T. Bolling	Marvin Cornett	J. R. Dorman

T. H. Dyer	Johnston Miller	Carl Scheben
Bernie S. Edlin	Harry L. Moore	F. W. Schuhmann
Harry W. Ennis	Herbert V. Moore	Vernon Seaton
Dr. J. C. Gabbard	J. Lee Moore	Leon J. Shaikun
Jas. P. Hallahan	L. D. Moore	Jno. W. Simmons
Claude Hammons	W. B. Moser	Faust Y. Simpson
B. C. Holbrook	C. Sid Nabb	George T. Smith
Clyde S. Howard	Jno. C. Newcomb	Robt. J. Spaulding
Jerry F. Howell	Joe E. Nunn	E. A. Spencer
J. J. Huff	H. C. Patterson	Geo. W. Steinford
W. H. Hunt	Albert W. Pfeiffer	Joe Stewart
Lee Johnson	Sylvester Phillips	C. W. Taylor
Paul S. Jonas	J. Gip Prather	Egbert V. Taylor
Wm. E. Justice	L. W. Preston	H. Thieman, Jr.
H. Clay Kauffman	Kleber F. Price	Otis C. Thomas
M. Kavanaugh	Edw. P. Prichard	E. B. Thompson
G. M. Knuckles	James E. Quill	S. J. Wagner
J. T. Linton	C. R. Reeves	Harry F. Walters
Homer E. Losey	L. Allen Rhoads	R. E. West
A. L. Love	Wade H. Riley	Taylor Witt
Pearl McKinney	H. G. Royalty	
Ed Marcum	Amos Runyon	—82

Resolved that the title thereof be as aforesaid.

Mr. Quill moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 231. An Act relating to guards for the safekeeping of prisoners.

With a Committee amendment thereto.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 70.610 of the Kentucky Revised Statutes is amended to read as follows:

When the county judge believes that the safekeeping of a prisoner confined in his county under a charge of felony requires that a guard be kept over him, he shall make the order of record to that effect, and direct the number of guards to be summoned, by whom, and under whose control they shall be placed. If the circuit court is in session in the county, the circuit judge shall exercise the power conferred upon the county judge by this section. Each guard so summoned and performing duty shall be allowed five dollars per day, to be paid out of the county treasury.

Said Committee amendment is as follows, viz.:

Amend H. B. 231 on page 1, section 1, line 10 by striking the word "five" at the end of line 10 and inserting in lieu thereof the word "three"

Said amendment was agreed to.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with and the same having been engrossed, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	J. J. Huff	Edw. P. Prichard
Henry Arrowood	Lee Johnson	James E. Quill
F. H. Bassett, Jr.	Paul S. Jonas	C. R. Reeves
W. G. Biggers	Wm. E. Justice	Wade H. Riley
Isaac Blevins	H. Clay Kauffman	Amos Runyon
Douglas T. Bolling	M. Kavanaugh	Carl Scheben
J. C. Bradley	G. M. Knuckles	F. W. Schuhmann
Chas. W. Burnley	J. T. Linton	Vernon Seaton
Willis Champion	Homer E. Losey	Leon J. Shaikun
Jno. H. Clarke, Jr.	A. L. Love	Jno. W. Simmons
A. Roy Copeland	Pearl McKinney	Faust Y. Simpson
Marvin Cornett	Ed Marcum	Robt. J. Spaulding
John Henry Cox	C. C. May	E. A. Spencer
John P. Craig	Johnston Miller	Arthur Stallard
Fred Creasey	Harry L. Moore	Geo. W. Steinford
Thos. S. Dawson	Herbert V. Moore	Joe Stewart
Adron Doran	J. Lee Moore	C. W. Taylor
J. R. Dorman	L. D. Moore	Egbert V. Taylor
T. H. Dyer	W. B. Moser	Roy L. Taylor
Bernie S. Edlin	C. Sid Nabb	H. Thieman, Jr.
Dr. J. C. Gabbard	Coy C. Nevitt	Otis C. Thomas
Franklin Goins	Jno. C. Newcomb	E. B. Thompson
R. M. Hall	Joe E. Nunn	John L. Trumbo
Jas. P. Hallahan	H. C. Patterson	S. J. Wagner
Claude Hammons	Albert W. Pfeiffer	R. E. West
B. C. Holbrook	Sylvester Phillips	Taylor Witt
Clyde S. Howard	L. W. Preston	
Jerry F. Howell	Kleber F. Price	—82

Resolved that the title thereof be as aforesaid.

Mr. Scheben moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 91. An Act relating to charters of the cities of the second and third classes providing for the maintenance and operation of, the creation of a depreciation fund, the fixing of rates and the transfer of surplus funds derived from the operation of, municipally owned water works and electric light, heat and power plants.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) At the time or before or after the issuance of revenue bonds for the acquisition, extension or maintenance of a system of water works or electric light, heat and power plants in cities of the second and third classes, which bonds do not represent the general obligation of the city, and city legislative body shall, by ordinance, set aside and pledge the income and revenue of any such municipally owned utilty into a separate and special fund to be used and applied in the payment of the cost thereof, and in the maintenance, operation and depreciation thereof, and for the purposes hereinafter set out. The ordinance shall definitely fix and determine the amount of revenue necessary to be set apart and applied to the payment of the principal and interest of the bonds, and the portion of the balance of the income and revenue to be set aside as a proper and adequate depreciation account, and the portion to be set aside for the reasonable and proper operation and maintenance of the utility, and may provide that the surplus not needed for the purposes aforesaid shall be paid over to and become a part of the general funds of such city. The rates to

be charged for services from the utility shall be fixed and revised from time to time by the board appointed to operate the utility by and with the approval of the legislative body of the city so as to be sufficient to provide for the payment of interest upon all bonds and to create a sinking fund to pay the principal thereof when due; to provide for the operation and maintenance of the utility and an adequate depreciation account; and such rates may be fixed as will furnish a fair and reasonable return to the municipality on the fair value of the used and useful property of the utility.

Nothing in this Act shall apply to electrical plants acquired or operated under Provisions of Section KRS 96.550 to 96.900.

(2) Whereas this act is of vital importance to the administration of municipally owned water works and light, heat and power plants in the State of Kentucky and will clarify the present fiscal management of such plants, an emergency is hereby declared to exist and this act shall become effective immediately upon its final passage and approval by the Governor.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	C. D. Call	Fred Creasey
Henry Arrowood	Fred Carpenter	Thos. S. Dawson
W. G. Biggers	Marvin Cornett	Adron Doran
Isaac Blevins.	John Henry Cox	J. R. Dorman
Douglas T. Bolling	John P. Craig	T. H. Dyer

Bernie S. Edlin	J. Lee Moore	Leon J. Shaikun
Harry W. Ennis	W. B. Moser	Jno. W. Simmons
Dr. J. C. Gabbard	C. Sid Nabb	Faust Y. Simpson
R. M. Hall	Coy C. Nevitt	E. A. Spencer
Jas. P. Hallahan	Jno. C. Newcomb	Geo. W. Steinford
Claude Hammons	Chester Peterson	Thos. M. Swope
B. C. Holbrook	Albert W. Pfeiffer	C. W. Taylor
Clyde S. Howard	Sylvester Phillips	Egbert V. Taylor
W. H. Hunt	J. Gip Prather	Roy L. Taylor
Lee Johnson	Kleber F. Price	H. Thieman, Jr.
H. Clay Kauffman	Edw. P. Prichard	Otis C. Thomas
M. Kavanaugh	James E. Quill	E. B. Thompson
Homer E. Losey	C. R. Reeves	John L. Trumbo
Pearl McKinney	L. Allen Rhoads	Harry F. Walters
Ed Marcum	Wade H. Riley	R. E. West
Johnston Miller	Carl Scheben	Taylor Witt
Harry L. Moore	F. W. Schuhmann	
Herbert V. Moore	Vernon Seaton	—67

Those who voted in the negative were—

Chas. W. Burnley	Franklin Goins	A. L. Love
Jno. H. Clarke, Jr.	Jerry F. Howell	Joe E. Nunn
A. Roy Copeland	J. J. Huff	S. J. Wagner

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Resolved that the title thereof be as aforesaid.

Mr. Bolling moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

A message was received from the Senate announcing that they had passed bills which originated in the Senate, entitled:

S. B. 19. An Act relating to the registration and purgation of voters. This Act shall be known as the Trivette-Waggoner Act.

Said bill is as follows, viz:

Be it enactd by the General Assembly of the Commonwealth of Kentucky:

1. The County Court Clerk of each county other than those counties having a city of the first class shall procure a sufficient number of rubber stamps to supply one to each precinct, such rubber stamps to bear the words "PURGATION RECOMMENDED" in letters one inch high with two blank lines below for the signatures of the judges of election. At the time the election supplies are delivered to the election officers by the county clerk preceding each primary election, the County Court Clerk shall cause to be delivered to the election officers of each precinct the stamp and a sufficient quantity of registration supplies and forms to enable registration of a number of voters equal to at least five percent of the voters then on the registration lists for such precinct.

2. Notwithstanding the provisions of KRS 117.050, the judges of election in each precinct shall register each qualified voter who makes application to them for registration and who satisfactorily establishes his right to be registered. The manner of registering shall conform to that provided by law for registration by the county clerk. No person registered on the day of a primary election shall be permitted to vote in such election or at any election thereafter until the following regular election in November. The judges of election shall deliver the new registrations to the county clerk immediately following the primary election, and he shall enter them in the regular registration books.

3. It shall be the duty of the judges of election at each primary election to recommend pugation of the registration lists by stamping with the rubber stamp provided in Section 1 of this Act the registration cards of persons who have since the date of their registration, died, moved from the precinct,

or otherwise become disqualified to vote, upon reasonable proof of such disqualification of any voter. The judges of election shall stamp the registration record of such voter with the stamp provided for in Section 1 of this Act, and shall each sign their names of the blank lines below the words "PURGATION RECOMMENDED."

4. The judges of election may appoint other persons to assist them in performing their duties under this Act, but the persons so appointed shall serve without compensation.

5. Within ten days after the primary election day, the County Board of Election Commissioners shall meet at the county court clerks' office for the purpose of passing upon the purgation recommendations made by the precinct judges. The county clerk shall meet with the board and act as its secretary for the purpose. During the time the board is so in session the members of the board shall receive a reasonable per diem, to be fixed and paid by the fiscal court, not exceeding the per diem allowed for the services of the board in canvassing votes. The board shall examine purgation recommendations, and determine which of the persons whose purgation was recommended are not legally entitled to be registered. The county court clerk shall forthwith mail a notice to each voter at his address as shown on the registration records, notifying him that his registration will be cancelled unless he appears before the board within five days and shows cause why his name should not be stricken. If the voter appears and desires to be heard, the board shall hear him and determine whether or not his name should be purged. If the board determines that the name should be purged, it shall enter the word "Purged," and the date, upon the registration record of such person, and the Chairman and one other member of the board shall sign their names immediately below the word "Purged." The county court clerk shall thereupon remove the registration records of such persons from the registration books, and place them in the "Canceled Registration File." If the board determines that any name

recommended for purgation by the precinct judges should not be purged, it shall enter the words "Purgation Refused," and the date, upon the registration record of such persons, and the chairman and one other member of the board shall sign their names immediately below the words "Purgation Refused." If any voter to whom notice is mailed as provided in this section fails to appear within five days, the board may thereupon purge his name without further notice or hearing.

6. Any voter whose name has been purged under the provisions of this Act may apply to the county court or to the judge or the circuit court of the county, for a review of the action of the board of registration commissioners, at any time up to one hour before the time fixed by law for the closing of the polls at the following general election. The application shall consist of a written statement setting forth the act of the board complained of, and the grounds of complaint. Before such application is made, written notice shall have been given to the board of election commissioners, setting forth the name of the judge or court before whom, and the time and place at which, the application will be made and the grounds therefor, so as to give the board of election commissioners a reasonable opportunity to be present and to be heard. The judge or court to whom such application is made shall, at the time fixed in the notice, summarily decide the question presented and endorse on the statement of complaint an order disposing of the same. The action of the judge or court shall be final, and upon return of the statement of complaint with the order of the judge or court disposing of same endorsed thereon, to the county clerk, the clerk shall correct his records in accordance with such order. If the order of such judge or court is received after the registration records have been sent to the precinct of the voters' residence for use in the general election to be, or then being, held, the county clerk, in the event the voters' application for reinstatement has been granted, shall issue a certificate to the election officers of the precinct of the voters' residence, setting forth the order of the judge or court.

S. B. 34. An Act to make it unlawful for any two or more insurance companies, writing the same class, or classes, of risks, and doing business in this Commonwealth, to enter into any arrangement, contract, agreement, understanding, combination, or association to require, coerce, or induce any agent, or representative, of any two, or more, of such insurance companies within this Commonwealth to refrain from representing any other such insurance company, or companies, authorized to write the same class, or classes, of risks in this Commonwealth, and doing business herein, or to offer, or afford, any advantage to such agent, or representative, for refraining from representing such other insurance company, or companies; or to impose upon such agent any disadvantage by reason of his acting as representative of such other insurance company, or companies, or for any insurance agent representing two or more insurance companies, authorized to write the same class, or classes, of business in this Commonwealth, and doing business herein, to enter, directly or indirectly, into any agreement, arrangement, contract or understanding with one or more of such companies that he will refrain from representing any other company, or companies, authorized to write the same class, or classes, of business in this Commonwealth, and doing business herein; and to provide penalties for the violation of said Act.

Said bill is as follows, viz:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

1. It is hereby declared to be unlawful for any two or more insurance companies, authorized to write the same class, or classes, of risks in this Commonwealth, and doing business herein, directly or indirectly, to enter into any arrangement, contract, agreement, understanding, combination, or association to require, coerce, or induce any agent, or representative, of any two or more of such insurance companies within this

Commonwealth, to refrain from representing any other insurance company, or companies, authorized to write the same class, or classes, of risks in this Commonwealth, and doing business herein, or to offer or afford any advantage to such agent, or representative, for refraining from representing such other insurance company, or companies, or to impose, or threaten to impose, upon such agent, or representative, any penalty, or disadvantage, if he should agree to, or does, act as representative of such other insurance company, or companies, in this Commonwealth, or any part thereof.

2. It shall be unlawful for any insurance agent representing, or acting for, two (2) or more insurance companies authorized to write the same class, or classes, of risks in this Commonwealth, and doing business herein, to enter, either directly or indirectly, into any agreement, arrangement, contract, or understanding with one (1) or more of such companies that he will refrain from representing in this Commonwealth, or any part thereof, any other insurance company, authorized to write the same class, or classes, of risks in this Commonwealth, and doing business herein.

3. Nothing herein contained shall be deemed, or construed, as declaring it to be unlawful for any insurance company authorized to write risks in this Commonwealth to enter into a bonafide contract with an agent whereby the latter agrees that he will thereafter represent said single company exclusively in this Commonwealth, or any part thereof, or as declaring that it shall be unlawful for any agent to enter into such a contract with a single insurance company.

4. For violation of any provision of this Act, the license of the offending company, or companies, or agent, to transact the business of insurance within this Commonwealth shall be suspended for a period of three (3) years. Whenever information of any such violation shall come to the knowledge, or be brought to the attention, of the Director of the Division of

Insurance of this Commonwealth, he shall issue and cause to be sent by registered mail, with postage prepaid, to the company, or companies, and/or agent or agents, suspected, or accused of violating same, and to any person, who has, to the Director's knowledge, accused them of doing so, at their last known addresses, a notice fixing a day certain, not less than twenty (20), nor more than thirty (30) days from the date of issuance of said notice, upon which the company, or companies, or agent, accused or suspected of having violated same shall appear and show cause why its, his, her or their license, or licenses, to transact the business of insurance in this Commonwealth should not be revoked for a period of three (3) years, which notice shall specify with reasonable certainty the offense charged. If, after a hearing, held pursuant to said notice, the Director shall determine that any company, or the agent, thus notified to appear is guilty of violating the provisions of section 1 or 2 of this Act, he shall forthwith suspend the license of the company, or agent, so found guilty, to transact the business of insurance in this Commonwealth for a period of three (3) years. The hearing before the Director hereinabove provided for shall be public and at any such hearing any person, or corporation, having lodged information of any alleged violation with the Director, as well as the alleged offender, or offenders, shall have the right to be present, be represented by counsel, and introduce evidence as to whether the accused was, or was not, guilty of the offense charged. Within thirty (30) days after the issuance of an order by the Director suspending the license of any company, or agent, to transact the business of insurance in this Commonwealth for a period of three years, because in his opinion such company, or agent, has violated the provisions of Section 1 or 2 of this Act, the Company, or agent, whose license has been so suspended shall be entitled to appeal from the decision of the Director by suit brought in the Franklin Circuit Court, which Court shall hear the entire matter de novo and enter judgment in accordance with the law and the evidence presented to it on the trial of said cause.

3. All Acts, or parts of Acts, in conflict herewith are hereby repealed.

S. B. 124. An Act to repeal Section 28.450 of the Kentucky Revised Statutes, and to enact in lieu thereof new provisions relating to compensation of reporters for Circuit Courts of continuous session in counties having a population of less than 150,000.

Said bill is as follows, viz:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

I. That Section 28.450 of the Kentucky Revised Statutes be and the same is hereby amended so that said section as so amended shall read as follows, to-wit:

"Reporters for Circuit Courts of continuous session in counties having a population of less than 150,000 shall receive for their services in taking stenographic notes a salary of not less than $1800.00 nor more than $2400.00 per annum, to be fixed by the fiscal court and paid in monthly installments by the County. They shall receive for making transcripts for a person other than the county or State $.15 (fifteen cents) per one hundred words; the pages shall average thirty lines each. In civil actions involving less than $500.00 they shall receive $5.00 per day for taking stenographic notes of said actions and $.15 (fifteen cents) per hundred words for the transcript thereof, which shall be paid forthwith by the party in whose behalf the report or transcript is ordered, and shall be taxed as part of the costs of the action. In criminal cases the fee for making transcripts shall be paid by the county in which the Court is held when the transcript is made upon the motion of the Commonwealth. If the transcript is made upon motion of the defendant in a criminal case, he shall pay the fee therefor, unless the court directs the reporter to file a transcript upon

the motion of a party suing in forma pauperis, in which event the fee shall be paid by the county.

For duplicate copies of transcripts, reporters for circuit courts of continuous session in counties having a population of less than 150,000 shall be allowed one-third the amount they are allowed for the original, to be paid for in the same manner as the original."

II. All acts and parts of acts in conflict herewith are hereby repealed.

S. B. 146. An Act to provide a stenographer for the Commonwealth's Attorney in counties containing a city of the second class and prescribing his duties.

Said bill is as follows, viz:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

In counties containing a city of the second class, the Commonwealth's Attorney may appoint a stenographer for a term of four years, subject to removal at any time by the Commonwealth's Attorney. The stenographer shall do stenographic work for the Commonwealth's Attorney and perform such other duties assigned to him by the Commonwealth's Attorney, and shall have the same power of administering an oath as a notary public. The stenographer shall receive an annual salary of not less than Six Hundred ($600.00) Dollars, nor more than Twelve Hundred ($1200.00) Dollars, to be paid by the fiscal court out of the county levy in equal monthly installments. In judicial districts which contain one or more other counties in addition to the county containing a city of the second class, each county shall pay a proportionate part of the salary of the stenographer, in proportion to the amount of work attributable to each county, the proportion being certified by the Common-

wealth's Attorney; and provided same is approved by the fiscal courts of such counties.

S. B. 149. An Act relating to public health, with particular relation to pharmacists, pharmacies and drugs; creating new sections and repealing sections 315.010, 315.020, 315.030, 315.040, 315.050, 315.060, 315.070, 315.080, 315.085, 315.090, 315.100, 315.110, 315.115, 315.120, 315.130, 315.140, 315.150, 315.160, 315.170, 315.180, 315.190, 315.210, 315.990 and 217.400, Kentucky Revised Statutes, 1942 edition.

Said bill is as follows, viz.:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. Definitions. As used in this chapter, unless the context otherwise required:

(1) "Pharmacy" means every place where:

(a) Drugs are dispensed, or sold at retail, or displayed for sale at retail; or

(b) Where prescriptions are compounded; or

(c) Which has upon it or displayed within it, or affixed to or used in connection with it, a sign bearing the term "pharmacists," "pharmacy," "apothecary," "drug," "drug store," "druggists," "drugs," "medicines," "medicine store," "drug sundries," "remedies," or any term of similar or like import, or any place with respect to which any of those terms are used in any advertisement or telephone directory listing; or

(d) Where the characteristic show bottles or colored globes are exhibited.

(2) "Drug" means every article, other than food and other than devices or their components, parts or accessories, that is:

(a) Intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in man or other animals; or

(b) Intended to affect the structure or any function of the body of man or other animals; or

(c) Intended for use as a component of any articles specified in paragraph (a) or (b) of this subsection.

(3) "Prescription" means an order written by a legally competent practitioner of medicine, dentistry or veterinary medicine, for the preparation and use of a drug.

(4) "Pharmacist" means any person who practices pharmacy, including a druggist, pharmaceutist or pharmaceutical chemist.

(5) "Poison" means any drug or chemical that according to standard medical works is liable to destroy adult human life in quantities of 60 grains or less, or any mixture or preparation containing 60 grains or less, a sufficient quantity of such drug or chemical as to make the same liable to be destructive to adult human life if 60 grains or less is taken.

Sec. 2. PHARMACISTS REQUIRED TO REGISTER. Except as provided in sections 22 to 25 of this chapter no person shall practise pharmacy or hold himself out as a pharmacist without being registered by the Kentucky Board of Pharmacy.

Sec. 3. PHARMACIES REQUIRED TO OBTAIN PERMIT. No person shall open, establish, operate or maintain a pharmacy without obtaining a permit from the Kentucky Board of Pharmacy.

Sec. 4. PERSONS MANUFACTURING OR PREPARING DRUGS REQUIRED TO OBTAIN PERMIT. No person shall manufacture, make, produce, pack, package or prepare any

drugs for resale without obtaining a permit from the Kentucky Board of Pharmacy. The permit shall be subject to such rules and regulations with respect to sanitation and equipment as the Board may adopt from time to time for the protection of the public health and safety.

Sec. 5. WHOLESALERS, JOBBERS OR DISTRIBUTORS OF DRUGS REQUIRED TO OBTAIN PERMIT. No person shall sell, offer for sale, vend or distribute at wholesale or as a jobber, broker, agent or distributor or for resale in any manner in this state any drugs without obtaining a permit from the Kentucky Board of Pharmacy. The provisions of this section shall not apply to the retail sale of harmless drugs or medicines by retail grocery stores or general stores.

Sec. 6. PERMIT REQUIRED FOR AUCTION SALE OF DRUGS. No person shall sell or offer for sale at public auction or sell or offer for sale at private sale in a place where public auctions are conducted, any drugs without obtaining a permit from the Kentucky Board of Pharmacy. The permission of the Kentucky Board of Pharmacy shall be obtained in every instance where any of the products covered by this section are to be sold or offered for sale.

Sec. 7. PERMIT REQUIRED FOR DISTRIBUTION OF SAMPLES OF DRUGS. No person shall in any manner distribute or dispose of samples of any drugs, except to physicians, dentists, pharmacists and veterinarians for use in their professions, without obtaining a permit from the Kentucky Board of Pharmacy. The permission of the Kentucky Board of Pharmacy shall be obtained in every instance where any of the samples referred to in this section are to be distributed or otherwise disposed of. The permission shall cover such territory as is prescribed by the Board.

Sec. 8. PHARMACIES MUST HAVE REGISTERED PHARMACIST IN CHARGE. Every pharmacy shall have a

registered pharmacist on duty at all times, who shall be in charge of the pharmacy and who shall, in good faith, devote all of his time to the pharmacy.

Sec. 9. MANUFACTURE OR PREPARATION OF DRUGS TO BE UNDER SUPERVISION OF REGISTERED PHARMACIST OR OTHER APPROVED PERSON. No person shall manufacture, make, produce, package, pack or prepare any drugs except under the personal and immediate supervision of a registered pharmacist or such other person as may be approved by the Kentucky Board of Pharmacy after an investigation and a determination by the Board that he is qualified by scientific or technical training or experience to perform such duties of supervision as may be necessary to protect the public health and safety.

Sec. 10. SALE OF DRUGS LIMITED TO PHARMACIES; ACTUAL SALE MUST BE BY REGISTERED PHARMACIST. (1) Except as otherwise provided in this chapter the sale and distribution of drugs is limited to pharmacies operating under permits. The actual sale or distribution shall be made by a registered pharmacist or a person acting under his immediate personal direction and supervision, subject to the provisions of subsection (2) of this section.

(2) The sale of drugs that contain poisonous, potent or deleterious ingredients shall be made by a registered pharmacist only, and he shall make known to the purchaser, at the time of the sale, the nature of such drug.

(3) Drugs sold at retail and containing any quantity of aminopyrine, barbituric acid, cinchophen, dinitrophenol, sulfanilamide, thyroid, or their derivatives, shall be dispensed or distributed only on a written prescription signed by a licensed physician, dentist or veterinarian the label of which bears the name and place of business of the seller, the serial number and

date of such prescription, and the name of such physician, dentist or veterinarian.

(4) Nothing in this Act shall apply to the sale of usual nonpoisonous domestic remedies, harmless drugs or medicines or patent or proprietary medicines in the original package by any store.

(5) Nothing in this Act is intended to restrict or prevent the sale, distribution or dispensing of drugs by licensed physicians, dentists or veterinarians in connection with the performance of professional services by them.

Sec. 11. PRESCRIPTIONS. (1) Prescriptions shall be compounded and dispensed by registered pharmacists only, and in a pharmacy operating under a permit.

(2) Every pharmacy shall preserve on file, for a period of five years, every prescription compounded or dispensed at the pharmacy. The file of prescriptions shall at all times during business hours be open to inspection by the members of the Kentucky Board of Pharmacy and the Department of Health, or their duly authorized representatives.

Sec. 12. POISONS—HOW TO BE SOLD—REGISTER KEPT. Except as provided in this section all poisons must be sold by a registered pharmacist in a pharmacy operating under a permit. No registered pharmacist shall sell at retail any poison without affixing to the bottle, box, vessel or package containing the same, a label printed or plainly written containing the name of the article, the word "Poison" and the name and place of business of the seller with the common name of two or more readily accessible antidotes, nor shall he deliver poison to any person without satisfying himself that such poison is to be used for a legitimate purpose and without advising the purchaser the poisonous character of the preparation sold. It shall be the further duty of any registered pharmacist selling or

dispensing poisons which are known to be destructive to adult human life in quantities of 5 grains or less, before delivering them, to enter into a book kept for that purpose the name of the seller, the name and residence of the buyer, the name of the article, the quantity sold or disposed of and the purpose for which it is said to be intended.

This book of registry shall be known as the "poison register" and shall be preserved for at least five years after the date of the last entry made therein. Only the retail sale of poisons shall be registered in the poison register. The poison register shall at all times be open to the inspection of the coroner of the County in which the same may be kept and to the inspection of members of the Kentucky Board of Pharmacy or its authorized agents.

The provisions of this section shall not apply to the dispensing of poisons in not unusual quantities or doses on physician's prescriptions nor to the sale to agriculturists and horticulturists of such articles as are commonly used by them as insecticides in the original package.

Sec. 13. EMMENAGOGUES OR ABORTIVES SOLD ON PRESCRIPTION ONLY. The following emmenagogues or abortives; tansy, pennyroyal, rue, savin, ergot, cotton root and their preparations, patent or otherwise or any new or used drug and their preparations that could produce abortions shall be sold only at retail or dispensed upon the original written prescription of a legally qualifield physician, dentist or veterinarian. Said prescription shall be filled but once and of which no copy shall be taken by any person.

Sec. 14. KENTUCKY BOARD OF PHARMACY; ORGANIZATION; MEMBERSHIP. (1) There shall be a Kentucky Board of Pharmacy, consisting of five members appointed by the Governor from lists of names submitted by the Kentucky Pharmaceutical Association. The Board shall

be a continuation of the Kentucky Board of Pharmacy created by Chapter 54 of the Acts of 1938, and the members of that Board shall continue in office until their respective terms expire.

(2) At its regular meeting each year, the Kentucky Pharmaceutical Association shall nominate and submit five qualified candidates from its membership. The Governor shall, before October 1 of each year, appoint one person from the names so submitted, but may reject any list and require the submission of other lists. The members appointed in 1944, 1945, 1946, 1947 and 1948 shall succeed the members of the Board created by Chapter 54 of the Acts of 1938 whose terms expire in those years. The members thereafter appointed shall succeed those appointed under this chapter.

(3) Each member shall hold office for five years and until his successor is appointed and has qualified, unless sooner removed for cause. No member shall be reappointed within one year of the expiration of his term of office. Any vacancy that occurs in the Board created by this chapter or in the office of a member of the Board created by Chapter 54 of the Acts of 1938 shall be filled for the unexpired term by the Governor from the list of names last submitted.

(4) No person shall be appointed to the Board unless he is and has been for at least five years a registered pharmacist in this State, and unles he is actively engaged in a retail pharmacy. Not more than two members of the Board shall be residents of the same county.

Sec. 15. OFFICERS AND EMPLOYEES OF THE BOARD. The Kentucky Board of Pharmacy shall meet in January each year and organize by the election of a President, Vice-President and Executive Secretary-Treasurer, who shall serve for a term of one year and shall perform the duties prescribed by the Board. The President and Vice-President shall

be elected from the members of the Board. The Executive Secretary-Treasurer need not be a member of the Board, but shall be a registered pharmacist. The Board may employ such investigators, chemists, agents and other assistants as it deems necessary to carry out the provisions of this chapter.

Sec. 16. MEETINGS OF THE BOARD. (1) The President of the Kentucky Board of Pharmacy shall preside at all of its meetings. In his absence or disability the Vice-President shall preside.

(2) The Board shall hold meetings for the examination of applicants for registration, to grant certificates of registration and permits, and for the transaction of such other business as may lawfully come before it biannually in such cities as the Board may select, and shall continue in session from day to day until its business is disposed of. Additional meetings may be called if deemed necessary by a majority of the members of the Board. Three members shall constitute a quorum. Due public notice of examination shall be given at least thirty days in advance of such examination.

Sec. 17. COMPENSATION AND EXPENSES OF BOARD MEMBERS. Each member of the Kentucky Board of Pharmacy shall receive fifteen dollars for each day actually engaged in the service of the Board. Each member shall receive his traveling expenses and all necessary expenses incurred in the performance of his official duties.

Sec. 18. RULES AND REGULATIONS; REPORTS. The Kentucky Board of Pharmacy shall make such rules and regulations, consistent with law, as are necessary to carry out the purposes and enforce the provisions of this chapter. The Board shall make an annual written report to the Kentucky Pharmaceutical Association of its proceedings and of its receipts and disbursements, including a list of the names of all persons registered and a record of permits and renewals.

Sec. 19. POWER OF INSPECTION. The Kentucky Board of Pharmacy and its duly appointed agents may inspect in a lawful manner the drugs that are manufactured, packed, packaged, sold, offered for sale, exposed for sale or kept for sale in this state, and for this purpose may enter and inspect, during business hours, any place in his state where drugs are manufactured, packed, packaged, made, sold, offered for sale, exposed for sale, dispensed or kept for sale.

Sec. 20. EXECUTIVE SECRETARY-TREASURER OF THE BOARD; BOOKS AND RECORDS. The Executive Secretary-Treasurer of the Kentucky Board of Pharmacy shall be the executive officer in charge of the office of the Board. He shall make, keep and be in charge of all records and record books required to be kept by the Board, including a record of all registrations, and shall attend to the correspondence of the Board and perform such other duties as the Board may require, in keeping with the office of Executive Secretary-Treasurer. He shall receive and receipt for all fees collected and shall pay them over to the State Treasurer.

(2) The Executive Secretary-Treasurer shall give bond, in an amount fixed by the Board, for the faithful performance of the duties of his office. He shall receive such salary as the Board may determine. He shall be permitted such office help as is deemed necessary by the Board. He shall also receive his traveling expenses and all necessary expenses incurred in the performance of his official duties.

(3) The books, registers and records of the Board as made and kept by the Executive Secretary-Treasurer or under his supervision, subject to the direction of the Board, shall be prima facie evidence of the matter therein contained in any court of law.

Sec. 21. QUALIFICATIONS FOR REGISTRATION AS PHARMACIST; EXAMINATION. (1) Except as pro-

vided in Sections 22 to 25 of this chapter, every applicant for registration as a pharmacist shall be not less than twenty-one years of age, a citizen of the United States, of good moral character and temperate habits, a graduate of a school or college of pharmacy or department of a university recognized and approved by the Kentucky Board of Pharmacy, and shall file proof satisfactory to the Kentucky Board of Pharmacy, substantiated by proper affidavits, of a minimum of one year of experience in a retail pharmacy, under the supervision of a registered pharmacist, which experience shall be predominantly related to the selling of drugs and medical supplies, compounding prescriptions, preparing pharmaceutical preparations and keeping records and making reports required by the State and Federal statutes.

(2) Except as provided in Sections 22 to 25 of this chapter, every applicant for registration as a pharmacist shall pass an examination given by the Kentucky Board of Pharmacy.

(3) Every license certificate shall have plainly written, printed or stamped upon its face the words: "Revocable for causes specified by law;" and "Awarded upon examination."

Sec. 22. PHARMACISTS REGISTERED UNDER FORMER LAWS. Persons who hold unexpired certificates of registration as pharmacists in this State granted under former laws, need not register under this chapter, but shall secure annual renewals as provided in this chapter, and in all other respects shall be amenable to the provisions of this chapter.

Sec. 23. PHARMACISTS REGISTERED IN OTHER STATES; RECIPROCITY. The Kentucky Board of Pharmacy may register as a pharmacist, without examination, upon payment of the fee prescribed by section 27, subsection (2) of this chapter, any citizen of the United States who is duly registered by examination in any other state, that under like

conditions, grants registration as a pharmacist without examination, to pharmacists registered by examination in this State. Before being registered the person must produce evidence satisfactory to the Board that he is possessed of good character and morals, and has had the secondary and professional education and training required of applicants for registration under this chapter, except that persons of good character and morals who were registered as pharmacists by examination in other states prior to the time this chapter became in force shall be required to satisfy only the requirements that existed in this State at the time they were registered.

Sec. 24. ASSISTANT PHARMACISTS. Persons who hold unexpired certificates of registration as assistant pharmacists, granted under former laws, shall continue to hold their status as registered assistant pharmacists, but shall be required to renew their certificate annually in the same manner as certificates of registered pharmacists are renewed. Persons who hold such certificates may be licensed to practice pharmacy as registered pharmacists upon passing an examination prescribed by the Kentucky Board of Pharmacy. Registered assistant pharmacists may have charge of a pharmacy during the temporary absence of the registered pharmacist, but such absence shall not be for a period longer than thirty days in any calendar year. Whenever such absence is for a period of twenty-four consecutive hours or longer, the proprietor, owner, manager or person in charge of the pharmacy shall immediately notify the Eexecutive Secretary-Treasurer of the Kentucky Board of Pharmacy the number of days his store will be in charge of a registered assistant pharmacist and shall give the name of the assistant. This provision shall not be employed as a subterfuge or trick to defeat the requirement that all pharmacies be in charge of a registered pharmacist.

Sec. 25. CONDITIONS OF ISSUANCE OF PERMIT FOR PHARMACY, EQUIPMENT REQUIRED OF PHAR-

MACIES. (1) No permit shall be issued for the conduct of a pharmacy except upon evidence satisfactory to the Kentucky Board of Pharmacy that:

(a) The pharmacy for which the permit is sought will be conducted in full compliance with the law and the rules and regulations of the Kentucky Board of Pharmacy;

(b) The location and appointments of the pharmacy are such that it can be operated and maintained without endangering the public health or safety;

(c) The pharmacy will be constantly under the personal and immediate supervision of a registered pharmacist; and

(d) The person applying for the permit is qualified to conduct the pharmacy;

(e) All current permits must be conspicuously displayed visible to the general public.

(2) Every pharmacy must be equipped with proper pharmaceutical utensils so that prescriptions can be properly filled and United States Pharmacopoeia and National Formulary preparations properly compounded. The Kentucky Board of Pharmacy shall prescribe the minimum of such professional and technical equipment which a pharmacy shall at all times possess and such list shall include the latest revisions of the United States Pharmacopoeia and the National Formulary, and all supplements to either of them. The premises of every pharmacy shall be equipped with proper sanitary appliances and kept in a clean and orderly manner. No permit shall be issued or continued for the conduct of a pharmacy unless the provisions of this subsection are complied with.

Sec. 26. APPLICATION FOR REGISTRATION AND FOR PERMITS; FORMS; TIME. (1) Applications for

registration as a pharmacist or for a permit required by sections 3 to 8 of this chapter shall be made on forms prescribed and furnished by the Kentucky Board of Pharmacy.

(2) Applications for registration as a pharmacist shall be filed with the Board at least ten days before any stated meeting of the Board at which examinations are to be held.

(3) Applications for a permit to open a new pharmacy shall be made at least thirty days before the pharmacy is to be opened for business.

Sec. 27. FEES; ORIGINAL AND RENEWAL. (1) Every application for registration as a pharmacist must be accompanied by an examination fee of not less than ten dollars nor more than twenty-five dollars, as the Board shall from time to time prescribe. Every registered pharmacist shall, between January 1 and March 1 of each year, pay a renewal fee of not more than six dollars, as the Board shall from time to time prescribe.

(2) Every application by a pharmacist registered in another state for registration as a pharmacist in this State shall be accompanied by a fee prescribed by the Board.

(3) Every registered assistant pharmacist shall, between January 1 and March 1 of each year, pay a renewal fee of not more than four dollars as the Board from time to time shall prescribe.

(4) All current renewals of registered pharmacists and registered assistant pharmacist must be conspicuously displayed visible to the general public.

(5) Every application for a permit required by sections 3 to 8 of this chapter and every application for a renewal thereof, shall be accompanied by the following fee:

(a) For the permit required by Section 3, not less than five dollars nor more than ten dollars, as the Board may determine.

(b) For the permit required by section 4, ten dollars.

(c) For the permit required by section 5, ten dollars.

(d) For the permit required by section 6, ten dollars.

(e) For the permit required by section 7, twenty-five dollars.

Sec. 28. DISPOSITIONS OF FEES. The Kentucky Board of Pharmacy shall each year, turn over to the Kentucky Pharmaceutical Association, for the advancement of the art and science of pharmacy, out of the annual renewal fees collected by the Board, the sum of two dollars for each registered pharmacist and assistant registered pharmacist who has paid his renewal fee during that year. All other fees shall be paid into the State Treasury and placed in a revolving fund to be spent by the Board of Pharmacy for the enforcement of this chapter.

Sec. 29. EXPIRATION AND RENEWAL OF REGISTRATIONS AND PERMITS. (1) All certificates of registration and all permits shall expire on December 31 following the date of issue, and shall be renewed annually. Application blanks for renewals of pharmacists registrations shall be mailed by the Board to each registered pharmacist and each registered assistant pharmacist in December each year.

(2) If the renewal fee for any pharmacist's certificate, the holder of which is actively engaged in the practice of pharmacy, is unpaid by March 1 of any year, the certificate shall be void, but the holder thereof may be reinstated as a registered pharmacist upon payment of a penalty of one dollar

and all lapsed fees, unless he has failed to secure his annual renewal registration for a period of five consecutive years, in which case he shall not be entitled to renew his registration except upon payment of all back renewals and passing a satisfactory examination before the Kentucky Board of Pharmacy.

(3) Application blanks for renewal of permits shall be mailed by the Kentucky Board of Pharmacy to each permittee on or before November 1 of each year. If application for renewal is not made on or before the following December 1, the existing permit shall lapse and become void on the date of its expiration and no new permit shall be granted except upon evidence satisfactory to the Board of good and sufficient grounds of failure to file the application for renewal within the time prescribed.

Any registered pharmacist or assistant registered pharmacist who leaves his occupation for full time active service in any recognized branch of this Nation's Armed Military Forces during the time of War, shall, upon presentation of suitable evidence to the Executive Secretary-Treasurer of the Kentucky Board of Pharmacy, be exempted from payment of the renewal fees required by section 27 of this chapter.

Sec. 30. SEPARATE PERMITS FOR EACH PLACE OF BUSINESS; PERMITS TO BE DISPLAYED; NON-TRANSFERABLE. Separate applications shall be made and separate permits issued for each separate place at which is carried on any of the operations for which a permit is required by sections 3 to 6 and 7 of this chapter. Each permit issued under this chapter shall be conspicuously exposed to the general public in the place for which it was granted. Permits shall not be transferable.

Sec. 31. REFUSAL, REVOCATION OR SUSPENSION OF REGISTRATIONS AND PERMITS. (1) The Kentucky Board of Pharmacy may, after notice and hearings as pre-

scribed in section 32 of this chapter, refuse, revoke or suspend the certificate of registration of any pharmacist when the Board finds that the certificate was obtained by fraudulent means, or when the registrant has been convicted of a felony, or of a violation of any statute enacted for the protection of public health; or is found by the Board to be guilty of gross immorality or to be addicted to the liquor or drug habit to such a degree as in the opinion of the Board renders him unfit to compound, sell or dispense drugs and medical supplies.

(2) The Board may, after notice and hearing as prescribed in section 32 of this chapter, refuse, revoke, or suspend any permit when the Board finds that the permit was obtained by fraudulent means, or that the operations for which the permit was issued or is applied for are not being conducted or will not be conducted according to law or are being so conducted as to endanger the public health or safety.

Sec. 32. HEARINGS. (1) The Kentucky Board of Pharmacy may, on its own motion or on a verified complaint, issue a notice to any registrant or permittee to show cause why his certificate or permit should not be suspended or revoked, or a notice to any applicant to show cause why his application for registration or for a permit should not be denied. The notice shall contain a copy of the charge and shall state the time and place at which the hearing is to be conducted. The date of the hearing shall not be less than ten days from the date the notice is received by the applicant, registrant or permittee.

(2) Members of the Board and its Executive Secretary-Treasurer may administer oaths and take evidence in any hearing conducted by the Board. The Board shall, at all hearings, receive the testimony of all witnesses and accept all documentary evidence relevant to the issue.

Sec. 33. APPEALS. Any person having an interest in the matter may, within thirty days of the effective date of the

order, appeal from any order of the Board denying, revoking or suspending a certificate or permit, by filing a certified copy of the order in the Franklin County Circuit Court together with a bond approved by the Clerk to insure the payment of costs. The appeal shall be docketed and tried in the manner provided by law in equity cases. From the judgment of the Franklin County Circuit Court any party having an interest therein may appeal in the manner provided by law to the Court of Appeals.

Sec. 34. RELIEF BY INJUNCTION. The Kentucky Board of Pharmacy may, in addition to the criminal penalties prescribed for violating this chapter apply to a court having jurisdiction for an injunction to restrain repetitious violations of the provisions of this chapter.

Sec. 35. PENALTIES. Any person who violates any of the provisions of this chapter shall be fined not less than ten dollars for each violation and each day the violation continues shall constitute a separate and distinct offense. Upon conviction of a permittee, his permit may be revoked by the Kentucky Board of Pharmacy and become void, without notice of hearing.

Sec. 36. REPEALS. Sections 315.010, 315.020, 315.030, 315.040, 315.050, 315.060, 315.070, 315.080, 315.085, 315.090, 315.100, 315.110, 315.115, 315.120, 315.130, 315.140, 315.150, 315.160, 315.170, 315.180, 315.190, 315.210, 315.990 and 217.400, Kentucky Revised Statutes, 1942 edition are repealed.

Sec. 37. TIME OF TAKING EFFECT. This Act shall not become effective until January 1, 1945.

S. B. 151. An Act providing for the transfer of funds remaining after toll bridges in Projects 9, 10, 12, and 14 were freed, to the sinking fund of toll bridge projects where tolls have been collected by the Commonwealth of Kentucky for 10 years or more.

Said bill is as follows, viz.:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

1. The Commissioner of Highways is hereby ordered and directed to transfer the sum of one hundred and ninety-eight thousand, five hundred and forty-five dollars and eighteen cents ($198,545.18) now remaining in the sinking funds for State Toll Bridge Projects Nos. 9, 10, 12, and 14, as the bridges in said projects are now free and all of the revenue bonds for which the said sinking funds were created have been discharged and paid in full, and when said sum has been transferred as herein directed, it is hereby appropriated to the sinking fund containing intra state toll bridge projects where tolls have been collected by the Commonwealth of Kentucky for ten years or more and it is to be used for the payment and retirement of the revenue bonds of the Commonwealth of Kentucky against said bridge projects.

S. Res. 35. Resolution authorizing Jerry Hall to sue the Commonwealth.

Said resolution is as follows, viz:

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That Jerry Hall be and he is authorized to sue the Commonwealth of Kentucky in the Floyd Circuit Court for damages resulting from personal injuries and injuries to his truck, caused by alleged negligence on the part of the employees of the Commonwealth of Kentucky while said employees were in the line of duty as agents of the Commonwealth. Said suit shall be for a sum not in excess of ten thousand (10,000) dollars.

The Attorney General of the Commonwealth of Kentucky may investigate the claim herein and settle same before or after suit is filed if he deems it advisable.

Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the General Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the Circuit Court either party may appeal to the Court of Appeals of Kentucky.

No statement in this resolution shall be considered by either the Court or the jury as an admission of negligence upon the part of the Commonwealth, and this resolution shall not be introduced as evidence for either party nor commented upon by counsel in argument to the jury.

Ordered that said bills and resolution be printed and referred

To Committee on Rules.

And that they had passed bills which originated in this House, entitled:

H. B. 227. An Act appropriating money from the General Fund for the fiscal year ending June 30, 1944 supplementing an appropriation to the Department of Agriculture.

H. B. 250. An Act providing for the creation of a Civil Service Commission for county patrolmen in counties having cities of the second class.

Ordered that said bills be delivered to the Enrolling Clerk of this House.

And that they had passed bills which originated in this House, entitled:

H. B. 333. An Act to revise KRS relating to deputy sheriffs.

With an amendment thereto as proposed and adopted by the Senate.

H. B. 52. An Act authorizing consolidating oil and gas leases to be executed by trustees under court appointment.

With amendments thereto as proposed and adopted by the Senate.

H. B. 54. An Act authorizing agreements consolidating oil and gas leases.

With amendments thereto as proposed and adopted by the Senate.

H. B. 53. An Act authorizing agreements consolidating oil and gas leases to be executed by guardian of minors.

With amendments thereto as proposed and adopted by the Senate.

H. B. 60. An Act authorizing oil, gas and mineral leases.

With amendments thereto as proposed and adopted by the Senate.

Ordered that said bills with amendments thereto be laid on the Clerk's desk.

Mr. Quill moved that the House do now recess until 2:30 P.M.

Said motion was agreed to.

And then the House recessed.

The hour of two-thirty o'clock P.M. having arrived, the Speaker resumed the Chair and called the House to order.

Mr. Goins moved that the privilege of the floor be extended to Mr. Willard R. Jillson for the purpose of extending to the General Assembly to visit Liberty Hall in Frankfort.

Said motion was agreed to.

Thereupon Mr. Jillson appeared upon the floor of the House and reviewed the history of Liberty Hall and extended an invitation to the members of the House to visit this historical home.

The Speaker announced that the following message was received from the Governor, viz:

TO THE GENERAL ASSEMBLY:

There is yet time to pass the special bills for the benefit of the schools, and to create emergency funds for old age assistance, aid to the needy blind, and aid to dependent children, as well as for the further rehabilitation of the institutions.

In order that the General Assembly may be advised of my position, I wish to state that I have no intention of calling an extraordinary session of the General Assembly for the further consideration of a budget bill, and there will be no special session for such purpose.

I trust that with this information the General Assembly will proceed to pass the bills above mentioned. I hope that all extraneous issues may be forgotten and only the welfare of the people as a whole be considered. The serious need for the passage of these bills can not be emphasized too strongly. All other considerations should be put aside. The sole responsibility for the solution of this problem is upon the General Assembly, and only the General Assembly can be entitled to the credit when it is solved.

Respectfully,

Simeon Willis, Governor

Frankfort, Kentucky
March 10, 1944

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 223. An Act relating to the treatment of persons having venereal diseases.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Every person infected with a venereal disease shall, immediately upon acquiring knowledge of such infection, apply to a public health unit, or if none is available, to a private physician, for treatment for such disease, and shall thereafter continue to take treatment until the prescribed course of treatment is completed.

§ 2. Any person who violates any of the provisions of section 1 of this Act shall be fined not less than ten dollars nor more than one hundred dollars, or imprisoned for not

less than five days nor more than thirty days, or both. Each day that a person fails to apply for treatment after acquiring knowledge of his infection, or fails to continue treatment as prescribed, shall constitute a separate offense.

Mr. Losey offered the following amendment to said bill, viz:

Amend H. B. 223 on page 1, section 1, line 3 by striking out the words "if none is available"

Said amendment was disagreed to.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

Chas. W. Anderson	John P. Craig	W. H. Hunt
Henry Arrowood	Fred Creasey	Lee Johnson
F. H. Bassett, Jr.	Adron Doran	Paul S. Jonas
W. G. Biggers	J. R. Dorman	Wm. E. Justice
Isaac Blevins	T. H. Dyer	H. Clay Kauffman
Douglas T. Bolling	Bernie S. Edlin	M. Kavanaugh
J. C. Bradley	Dr. J. C. Gabbard	J. T. Linton
Chas. W. Burnley	Franklin Goins	Homer E. Losey
C. D. Call	R. M. Hall	A. L. Love
Fred Carpenter	Jas. P. Hallahan	Ed Marcum
Willis Champion	Claude Hammons	C. C. May
Jno. H. Clarke, Jr.	B. C. Holbrook	Johnston Miller
A. Roy Copeland	Clyde S. Howard	Herbert V. Moore
Marvin Cornett	Jerry F. Howell	J. Lee Moore
John Henry Cox	J. J. Huff	L. D. Moore

W. B. Moser	Edw. P. Prichard	E. A. Spencer
C. Sid Nabb	James E. Quill	Geo. W. Steinford
Coy C. Nevitt	C. R. Reeves	Joe Stewart
Jno. C. Newcomb	L. Allen Rhoads	Thos. M. Swope
Joe E. Nunn	Wade H. Riley	Egbert V. Taylor
H. C. Patterson	H. G. Royalty	H. Thieman, Jr.
Chester Peterson	Amos Runyon	Otis C. Thomas
Albert W. Pfeiffer	Carl Scheben	John L. Trumbo
Sylvester Phillips	F. W. Schuhmann	S. J. Wagner
J. Gip Prather	Vernon Seaton	Harry F. Walters
L. W. Preston	Jno. W. Simmons	R. E. West
Kleber F. Price	Faust Y. Simpson	Taylor Witt

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Those who voted in the negative were—

Robt. J. Spaulding	Arthur Stallard	E. B. Thompson

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Resolved that the title thereof be as aforesaid.

Mr. Prather moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

A message was received from the Senate announcing that they had passed resolutions which originated in that body, entitled:

S. Res. 43. Resolution appropriating from the General Fund of the Commonwealth of Kentucky the sums of $10.25 and $74.06 to pay claims for services rendered by Charles C. Waggoner in the performance of his duties as sheriff of Graves County.

Said resolution is as follows, viz:

Be it Resolved by the General Assembly of the Commonwealth of Kentucky, as follows:

1. There is hereby appropriated from the General Fund, the sum of $10.25 payable to Charles C. Waggoner for services rendered as Sheriff of Graves County in apprehending, arresting, and delivering B. Adams to the Graves Circuit Court from Dresden, Tennessee, upon a charge of obtaining money under false pretense, a felony, the said B. Adams being at said time a fugitive from justice, the services rendered in connection herewith being under requisition of the Commonwealth.

2. There is further appropriated from the General Fund the sum of $74.06, payable to Charles C. Waggoner f- services rendered as Sheriff of Graves County in apprehending, arresting, and delivering Leon (Bill) Higgs to the Graves Circuit Court from Chicago, Illinois, upon a charge of involuntary man slaughter, a felony, the said Higgs being at said time a fugitive from justice, the services rendered in connection herewith being under requisition of the Commonwealth.

3. The Department of Finance shall draw its warrant upon the Treasurer of the Commonwealth, payable out of the General Fund of the Commonwealth for said amount of $10.25, and the further sum of $74.06, both of which shall be payable to the said Charles C. Waggoner for the services hereinabove set forth.

S. Res. 44. Resolution memorializing Congress to pass a law enabling the ceiling prices on fluorspar to be increased.

Said resolution is as follows, viz:

WHEREAS, fluorspar is a vital and necessary ore, highly essential in the war effort and whereas the present ceiling prices on fluorspar are entirely too low to encourage the proper production of this necessary material,

NOW, THEREFORE,

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the General Assembly of the Commonwealth of Kentucky memorializes the Congress of the United States that it, at the earliest possible date, take such action as may be necessary to increase by 10% the ceiling price of fluorspar, and to take such additional action as may be necessary to authorize and require the approval of such increase, in order to insure a sufficient supply of fluorspar to meet the war requirements.

§ 2. Copies of this resolution shall be sent to the President and Chief Clerk of the Senate of the United States, the United States Senator from Kentucky, the Speaker and Chief Clerk of the House of Representatives of the United States and the Representative in Congress from Kentucky.

Ordered that said resolutions be printed and referred to

Committee on Rules.

And that they had concurred in a resolution which originated in this House, entitled:

H. Res. 83. Resolution providing that a quorum remain in the House and Senate for the purpose of receiving late messages from one House to the other.

And that they had passed bills which originated in this House entitled:

H. B. 255. An Act relating to elections of electors of President and Vice President of the United States.

H. B. 170. An Act relating to war veterans; establishing a Disabled Ex-Service Men's Board.

Ordered that said bills be delivered to the Enrolling Clerk of this House.

The following message was received from the Senate, viz:

The Senate respectfully requests that the House of Representatives permit the return to the Senate for the purpose of further consideration of a bill which originated in this body and which was passed by the Senate on Wednesday March 8, 1944 and reported to the House on Thursday, March 9, 1944, of the following title, viz:

H. B. 178. An Act to create the office of assistant Commonwealth's Attorney in Judicial Districts having a population of less than 300,000.

Mr. Quill moved that the House do now agree to return said bill to the Senate for further consideration.

Without objection, said motion was agreed to.

Ordered that the Chief Clerk of this House deliver said bill to the Senate.

Mr. Claude Hammons sent to the Clerk's desk the following communication from the Governor, which was read before the House, viz:

March 10, 1944

Honorable Claude Hammons
Frankfort, Kentucky
Dear Claude:

The bills now in House which should be passed are as follows:

S. B. 88. Authorizing car for Adjutant General.

S. B. 62. Quarterly reports to counties of Rural Road funds expended in the counties.

H. B. 28. (Rep. Lee Moore) restoring to Commissioner of Agriculture the various Boards.

H. B. 308. Road tax on trucks for maintenance expense cause by present emergency act.

H. B. 416. Special for schools.

H. B. 426. Reciprocity bill with other states, which is very important.

H. B. 433. Introduced by you to make special emergency fund for institutional rehabilitation—$1,000,000.00.

H. B. 434. Your bill appropriating $450,000.00 emergency fund for old age assistance.

Very truly yours,

Simeon Willis, Governor

The House took up for consideration from the Clerk's Desk a bill entitled:

H. B. 335. An Act relating to the adoption of school textbooks.

With an amendment thereto as proposed and adopted by the Senate.

(For bill see House Journal of March 1).

Said amendment as proposed and adopted by the Senate is as follows, viz:

Amend H. B. 335 in the Senate, on page 2, lines 17 and 18 of the printed bill, by striking out the words "the popu-

lation of or in excess of the population of a fourth class city'' and inserting in lieu thereof the words ''a school census in excess of 1250.''

Said amendment was then concurred in.

Said bill was then passed, as amended.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

Chas. W. Anderson	B. C. Holbrook	L. W. Preston
Henry Arrowood	Clyde S. Howard	Kleber F. Price
F. H. Bassett, Jr.	Jerry F. Howell	Edw. P. Prichard
W. G. Biggers	J. J. Huff	James E. Quill
Isaac Blevins	W. H. Hunt	C. R. Reeves
Douglas T. Bolling	Lee Johnson	L. Allen Rhoads
J. C. Bradley	Paul S. Jonas	H. G. Royalty
Chas. W. Burnley	H. Clay Kauffman	Amos Runyon
C. D. Call	M. Kavanaugh	Carl Scheben
A. Roy Copeland	J. T. Linton	F. W. Schuhmann
Marvin Cornett	Homer E. Losey	Vernon Seaton
John Henry Cox	A. L. Love	Jno. W. Simmons
John P. Craig	C. C. May	Faust Y. Simpson
Fred Creasey	Johnston Miller	Robt. J. Spaulding
Thos. S. Dawson	Harry L. Moore	E. A. Spencer
Adron Doran	Herbert V. Moore	Arthur Stallard
J. R. Dorman	J. Lee Moore	Geo. W. Steinford
T. H. Dyer	W. B. Moser	C. W. Taylor
Bernie S. Edlin	C. Sid Nabb	Egbert V. Taylor
Dr. J. C. Gabbard	H. C. Patterson	H. Thieman, Jr.
Franklin Goins	Chester Peterson	Otis C. Thomas
R. M. Hall	Albert W. Pfeiffer	John L. Trumbo
Jas. P. Hallahan	Sylvester Phillips	Harry F. Walters
Claude Hammons	J. Gip Prather	Taylor Witt

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Those who voted in the negative were—

R. E. West —1

Mr. Quill moved that the vote by which said bill was passed, as amended, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Clerk's Desk, a bill entitled:

H. B. 60. An Act authorizing oil, gas and mineral leases and providing for the management of funds and income received therefrom where contingent future interests are involved.

With amendments thereto as proposed and adopted by the Senate.

(For bill see House Journal of January 25)

Said amendments as proposed and adopted by the Senate are as follows, viz:

Amendment No. 1. Amend House Bill No. 60 in Senate by inserting, following the period after the word "cases" line 7, page 2, the following:

Any person of unsound mind shall be represented by his committee or by guardian ad litem, or, in the case of constructive service of summons as in civil actions generally, by a warning order attorney appointed as in other cases.

Amendment No. 2. Amend House Bill No. 60 in Senate by inserting following the period after the word "hereunder", line 21, page 2, the following:

It shall be permissible, however, to make defendants any unknown persons who might have any interest in the land sought to be leased, under the style of "Unknown Defendants."

Amendment No. 3. Amend House Bill No. 60 in Senate at page 2 immediately following line 21 by renumbering Section 5 so that it shall be Section 6.

Amendment No. 4. Amend House Bill No. 60 in Senate by inserting a new section immediately following line 21, page 2, to be known as Section 5 and reading as follows:

Sec. 5. ALIGNMENT OF PARTIES AND PROCESS.—

(a) Parties to the proceedings hereunder may be aligned either as plaintiffs or defendants, but there shall be one or more parties plaintiff and one or more parties defendant.

(b) In the proceedings authorized hereunder any defendant who does not enter his appearance may be served with process as provided by law with reference to civil actions generally.

Amendment No. 5. Amend House Bill No. 60 in Senate by renumbering Section 6 on page 3 so that it shall be known as Section 7.

Amendment No. 6. Amend House Bill No. 60 in Senate by adding a new section to be known as Section 8 immediately following line 8, page 3, and reading as follows:

Sec. 8. SEPARATE GUARDIAN'S OR COMMITTEE'S LEASES UNNECESSARY.—If a trustee's lease is granted hereunder, even though one of the parties who has an interest or possible interest in the property covered by such lease is a minor or a person of unsound mind, no

separate guardian's lease or committee's lease shall be necessary.

Amendment No. 7. Amend House Bill No. 60 in Senate by renumbering Section 7, page 3, so that henceforth it shall be known as Section 9.

Amendment No. 8. Amend House Bill No. 60 in Senate by adding a new section to be known as Section 10 and reading as follows:

Sec. 10.—EFFECT OF PARTIAL INVALIDITY.—

The invalidity of any portion of this act shall not affect the validity of any other portion thereof.

Said amendments was then each and severally concurred in.

Said bill was then passed, as amended.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

Chas. W. Anderson	Fred Creasey	J. J. Huff
Henry Arrowood	Thos. S. Dawson	Lee Johnson
F. H. Bassett, Jr.	Adron Doran	Paul S. Jonas
W. G. Biggers	J. R. Dorman	Wm. E. Justice
J. C. Bradley	T. H. Dyer	H. Clay Kauffman
Jno. W. Burkhart	Bernie S. Edlin	M. Kavanaugh
C. D. Call	Dr. J. C. Gabbard	J. T. Linton
Fred Carpenter	R. M. Hall	Homer E. Losey
A. Roy Copeland	Jas. P. Hallahan	A. L. Love
Marvin Cornett	Claude Hammons	Ed Marcum
John Henry Cox	B. C. Holbrook	Johnston Miller
John P. Craig	Clyde S. Howard	Harry L. Moore

Herbert V. Moore	L. Allen Rhoads	Joe Stewart
W. B. Moser	Wade H. Riley	C. W. Taylor
C. Sid Nabb	Amos Runyon	Egbert V. Taylor
Jno. C. Newcomb	Carl Scheben	H. Thieman, Jr.
Joe E. Nunn	F. W. Schuhmann	Otis C. Thomas
Albert W. Pfeiffer	Vernon Seaton	E. B. Thompson
Sylvester Phillips	Jno. W. Simmons	John L. Trumbo
J. Gip Prather	Faust Y. Simpson	S. J. Wagner
L. W. Preston	Robt. J. Spaulding	Harry F. Walters
Kleber F. Price	E. A. Spencer	R. E. West
James E. Quill	Arthur Stallard	Taylor Witt
C. R. Reeves	Geo. W. Steinford	—71

There voted in the negative—

Jno. H. Clarke, Jr. —1

Mr. Rhoads moved that the vote by which said bill was passed as amended, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Clerk's Desk, a bill entitled:

H. B. 53. An Act authorizing agreements consolidating oil and gas leases to be executed by guardians of minors.

(For bill see House Journal of January 25)

Said amendments as proposed and adopted by the Senate, are as follows, viz.:

1. Amend H. B. 53 in Senate by inserting in line 4 of Section 3, after the word "petition" the following language: "for an order approving such consolidation agreement"

2. Amend H. B. 53 in Senate by striking from line 25 of section 3 the following clause: "which endorsement shall be recorded with such agreement."

Said amendments were each concurred in.

Said bill was then passed, as amended.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	J. J. Huff	L. Allen Rhoads
Henry Arrowood	Lee Johnson	Wade H. Riley
F. H. Bassett, Jr.	Paul S. Jonas	Amos Runyon
W. G. Biggers	Wm. E. Justice	Carl Scheben
J. C. Bradley	H. Clay Kauffman	F. W. Schuhmann
Jno. W. Burkhart	M. Kavanaugh	Vernon Seaton
C. D. Call	J. T. Linton	Jno. W. Simmons
Fred Carpenter	Homer E. Losey	Faust Y. Simpson
A. Roy Copeland	A. L. Love	Robt. J. Spaulding
Marvin Cornett	Ed Marcum	E. A. Spencer
John Henry Cox	Johnston Miller	Arthur Stallard
John P. Craig	Harry L. Moore	Geo. W. Steinford
Fred Creasey	Herbert V. Moore	Joe Stewart
Thos. S. Dawson	W. B. Moser	C. W. Taylor
Adron Doran	C. Sid Nabb	Egbert V. Taylor
J. R. Dorman	Jno. C. Newcomb	H. Thieman, Jr.
T. H. Dyer	Joe E. Nunn	Otis C. Thomas
Bernie S. Edlin	Albert W. Pfeiffer	E. B. Thompson
Dr. J. C. Gabbard	Sylvester Phillips	John L. Trumbo
R. M. Hall	J. Gip Prather	S. J. Wagner
Jas. P. Hallahan	L. W. Preston	Harry F. Walters
Claude Hammons	Kleber F. Price	R. E. West
B. C. Holbrook	James E. Quill	Taylor Witt
Clyde S. Howard	C. R. Reeves	—71

There voted in the negative—

Jno. H. Clarke, Jr. —1

Mr. Rhoads moved that the vote by which said bill was passed, as amended, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Clerk's Desk, a bill entitled:

H. B. 54. An Act authorizing agreements consolidating oil and gas leases to be executed by committees of persons of unsound mind.

With amendments thereto as proposed and adopted by the Senate.

(For bill see House Journal of January 25)

Said amendments as proposed and adopted by the Senate are as follows, viz.:

1. Amend H. B. 54 in Senate by inserting in line 4 of Section 3 after the word "petition" the following language: "for an order approving such consolidation agreement":

2. Amend H. B. 54 by striking from lines 25 and 26 of Section 3 the following clause: "which endorsement shall be recorded with such agreement"

Said amendments were then each concurred in.

Said bill was then passed, as amended.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	J. J. Huff	L. Allen Rhoads
Henry Arrowood	Lee Johnson	Wade H. Riley
F. H. Bassett, Jr.	Paul S. Jonas	Amos Runyon
W. G. Biggers	Wm. E. Justice	Carl Scheben
J. C. Bradley	H. Clay Kauffman	F. W. Schuhmann
Jno. W. Burkhart	M. Kavanaugh	Vernon Seaton
C. D. Call	J. T. Linton	Jno. W. Simmons
Fred Carpenter	Homer E. Losey	Faust Y. Simpson
A. Roy Copeland	A. L. Love	Robt. J. Spaulding
Marvin Cornett	Ed Marcum	E. A. Spencer
John Henry Cox	Johnston Miller	Arthur Stallard
John P. Craig	Harry L. Moore	Geo. W. Steinford
Fred Creasey	Herbert V. Moore	C. W. Taylor
Thos. S. Dawson	W. B. Moser	Egbert V. Taylor
Adron Doran	C. Sid Nabb	H. Thieman, Jr.
J. R. Dorman	Jno. C. Newcomb	Otis C. Thomas
T. H. Dyer	Joe E. Nunn	E. B. Thompson
Bernie S. Edlin	Albert W. Pfeiffer	John L. Trumbo
Dr. J. C. Gabbard	Sylvester Phillips	S. J. Wagner
R. M. Hall	J. Gip Prather	Harry F. Walters
Jas. P. Hallahan	L. W. Preston	R. E. West
Claude Hammons	Kleber F. Price	Taylor Witt
B. C. Holbrook	James E. Quill	
Clyde S. Howard	C. R. Reeves	—70

There voted in the negative—

Jno. H. Clarke, Jr. —1

Mr. Rhoads moved that the vote by which said bill was passed, as amended, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 52. An Act authorizing agreements consolidating oil and gas leases to be executed by trustees under court appointment in cases where contingent future interests are involved.

With amendments thereto as proposed and adopted by the Senate.

(For bill see House Journal of January 25)

Said amendments as proposed and adopted by the Senate, are as follows, viz.:

1. Amend H. B. 52 in Senate by inserting in line 4 of section 3, after the word "petition" the following clause: "for an order approving such consolidation agreement"

2. Amend H. B. 52 in Senate by striking from lines 24 and 25 of Section 3 the following clause: "which endorsement shall be recorded with such agreement."

Said amendments were then concurred in.

Said bill was then passed, as amended.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	C. D. Call	Fred Creasey
Henry Arrowood	Fred Carpenter	Thomas S. Dawson
F. H. Bassett, Jr.	A. Roy Copeland	Adron Doran
W. G. Biggers	Marvin Cornett	J. R. Dorman
J. C. Bradley	John Henry Cox	T. H. Dyer
Jno. W. Burkhart	John P. Craig	Bernie S. Edlin

Dr. J. C. Gabbard	Herbert V. Moore	Jno. W. Simmons
R. M. Hall	W. B. Moser	Faust Y. Simpson
Jas. P. Hallahan	C. Sid Nabb	Robt. J. Spaulding
Claude Hammons	Jno. C. Newcomb	E. A. Spencer
B. C. Holbrook	Joe E. Nunn	Arthur Stallard
Clyde S. Howard	Albert W. Pfeiffer	Geo. W. Steinford
J. J. Huff	Sylvester Phillips	Joe Stewart
Lee Johnson	J. Gip Prather	C. W. Taylor
Paul S. Jonas	L. W. Preston	Egbert V. Taylor
Wm. E. Justice	Kleber F. Price	H. Thieman, Jr.
H. Clay Kauffman	James E. Quill	Otis C. Thomas
M. Kavanaugh	C. R. Reeves	E. B. Thompson
J. T. Linton	L. Allen Rhoads	John L. Trumbo
Homer E. Losey	Wade H. Riley	S. J. Wagner
A. L. Love	Amos Runyon	Harry F. Walters
Ed Marcum	Carl Scheben	R. E. West
Johnston Miller	F. W. Schuhmann	Taylor Witt
Harry L. Moore	Vernon Seaton	—71

Mr. Rhoads moved that the vote by which said bill was passed, as amended, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Ordered that said last named bills be delivered to the Enrolling Clerk of this House.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 405. An Act relating to county tax commissioners.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Before entering upon the duties of their office, the county tax commissioner and his deputies shall take the following oath: "I do solemnly swear that I will read and administer to every person listing property the oath required by KRS 132.440, and that I will make special inquiry of each taxpayer regarding dogs owned, harbored or kept by him."

Mr. Prather offered the following amendment to said bill, viz.:

Amend H. B. 405 on page 1, line 5 by adding at the end of line 5, the following:

"Immediately after the effective date of this Act, every county tax commissioner then in office, and his deputies, shall take the oath herein provided for."

Said amendment was agreed to.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with and the same having been engrossed, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	A. Roy Copeland	Bernie S. Edlin
F. H. Bassett, Jr.	Marvin Cornett	Dr. J. C. Gabbard
W. G. Biggers	John Henry Cox	R. M. Hall
Chas. W. Burnley	John P. Craig	Claude Hammons
C. D. Call	Fred Creasey	B. C. Holbrook
Jno. H. Clarke, Jr.	Adron Doran	Clyde S. Howard

J. J. Huff	H. C. Patterson	Jno. W. Simmons
W. H. Hunt	Sylvester Phillips	Faust Y. Simpson
Lee Johnson	J. Gip Prather	E. A. Spencer
Paul S. Jonas	Edw. P. Prichard	Geo. W. Steinford
M. Kavanaugh	James E. Quill	Thos. M. Swope
Harry L. Moore	L. Allen Rhoads	Otis C. Thomas
C. Sid Nabb	F. W. Schuhmann	E. B. Thompson
Joe E. Nunn	Vernon Seaton	Taylor Witt

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Those who voted in the negative were—

Henry Arrowood	Johnston Miller	Robt. J. Spaulding
J. C. Bradley	W. B. Moser	Arthur Stallard
J. R. Dorman	Coy C. Nevitt	Joe Stewart
T. H. Dyer	Jno. C. Newcomb	C. W. Taylor
Franklin Goins	Albert W. Pfeiffer	Egbert V. Taylor
Jas. P. Hallahan	L. W. Preston	Roy L. Taylor
Jerry F. Howell	Kleber F. Price	H. Thieman, Jr.
H. Clay Kauffman	C. R. Reeves	John L. Trumbo
J. T. Linton	Wade H. Riley	S. J. Wagner
Homer E. Losey	H. G. Royalty	Harry F. Walters
A. L. Love	Amos Runyon	R. E. West
Ed Marcum	Carl Scheben	
C. C. May	Leon J. Shaikun	

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Mr. Moser of the Committee on Enrollment, reported that they had examined and found to be correctly enrolled, a bill entitled:

S. B. 84. An Act consenting to the establishment of an independent school district in the Fort Knox Military Reservation.

Thereupon all other business was suspended, said bill was read at length and compared in open session and found to be correctly enrolled, and thereupon, the Speaker, in open session and in the presence of the House affixed his signature thereto.

Ordered that said bill be delivered to the Enrolling Clerk of the Senate.

Mr. J. Lee Moore moved that the House do now adjourn.

Said motion was agreed to.

And then the House adjourned.

SATURDAY, MARCH 11, 1944

The House was called to order by The Honorable Harry Lee Waterfield, Speaker.

The House was opened with prayer by the Reverend O. L. Gilmore of the Presbyterian Church, North, of Frankfort.

The roll was called and the following members answered to their names, viz.:

F. H. Bassett, Jr.	Bernie S. Edlin	M. Kavanaugh
W. G. Biggers	Dr. J. C. Gabbard	G. M. Knuckles
Isaac Blevins	Franklin Goins	J. T. Linton
J. C. Bradley	R. M. Hall	Homer E. Losey
Chas. W. Burnley	Claude Hammons	A. L. Love
Willis Champion	B. C. Holbrook	Johnston Miller
A. Roy Copeland	Clyde S. Howard	Harry L. Moore
Marvin Cornett	Jerry F. Howell	Herbert V. Moore
John Henry Cox	J. J. Huff	J. Lee Moore
John P. Craig	W. H. Hunt	L. D. Moore
Fred Creasey	Lee Johnson	W. B. Moser
Thomas S. Dawson	Paul S. Jonas	C. Sid Nabb
J. R. Dorman	Wm. E. Justice	Coy C. Nevitt
T. H. Dyer	H. Clay Kauffman	Jno. C. Newcomb

Joe E. Nunn	H. G. Royalty	Thos. M. Swope
Chester Peterson	Amos Runyon	Egbert V. Taylor
Albert W. Pfeiffer	F. W. Schuhmann	H. Thieman, Jr.
Sylvester Phillips	Vernon Seaton	Otis C. Thomas
J. Gip Prather	Leon J. Shaikun	E. B. Thompson
L. W. Preston	Faust Y. Simpson	John L. Trumbo
Kleber F. Price	Robt. J. Spaulding	Harry F. Walters
Edw. P. Prichard	E. A. Spencer	R. E. West
James E. Quill	Arthur Stallard	Taylor Witt
C. R. Reeves	Geo. W. Steinford	
L. Allen Rhoads	Joe Stewart	

Mr. Prather moved that Master Tommy Rhoads, son of The Honorable L. Allen Rhoads be appointed an Honorary Page of this House.

Said motion was agreed to.

Mr. Quill moved that the Rules governing the Order of Business be suspended and that the House do now proceed to the consideration of the Orders of the Day.

Said motion was agreed to.

Thereupon the House took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 4. A Resolution appropriating from the General Fund the sum of one hundred and twenty-seven dollars and fifty cents ($127.50) to pay a claim for services rendered by F. J. Alsop of Hawesville, Kentucky, in making a survey of abandoned coal mines in Hancock County.

With a Committee amendment thereto by way of Substitute therefor.

Said resolution is as follows, viz.:

WHEREAS, F. J. Alsop has never been paid for his services in completing a survey of abandoned coal mines in Hancock County in February, 1934, which survey was made for a mine-sealing project for the State Department of Health of Kentucky.

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

There is hereby appropriated from the General Fund of the Commonwealth, the sum of one hundred and twenty-seven dollars and fifty cents ($127.50), and the Department of Finance shall draw its warrant upon the Treasurer for that amount in favor of F. J. Alsop.

Said Substitute is as follows, viz.:

A JOINT RESOLUTION authorizing the payment of claims against the Commonwealth of Kentucky.

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

It appearing that the Commonwealth is indebted to the hereinafter named persons, in the amount set forth opposite their names, and for the reason there indicated, and it further appearing that said claims are just claims against the Commonwealth, the Commissioner of Finance is hereby authorized and directed to pay said claims when presented, and the Statute of Limitations as now provided by law shall not be a bar to their payment, and the amount necessary to pay said claims is hereby appropriated out of the General Fund for that purpose.

Name—Address	*Amount*	*Reason*
F. J. Alsop, Hawesville, Ky.	$127.50	Payment for services in survey of abandoned coal mines.

Mr. Craig offered the following amendment to said substitute, viz.:

Amend the Substitute for H. Res. 4 by adding in the tabulation schedule in the body thereof, the following:

Paul Hunt Mt. Sterling, Ky.	$14.76	Payment of witness claim

Said amendment was agreed to.

Mr. Preston offered the following amendment to said substitute.

Amend the Substitute for H. Res. 4 by adding thereto in the tabulation schedule:

Mrs. J. H. Shipley	$9.64
J. H. Shipley	9.64

Mr. Shaikun offered the following amendment to said Substitute, viz.:

Amend the Substitute for H. Res. 4 by adding in the tabulation schedule the following:

J. L. Riehm, Jr. Deputy Sheriff of Jefferson County	$52.20	Expenses for transporting prisoner to penitentiary.

Said amendment was agreed to.

Mr. Rhoads offered the following amendment to the Substitute, viz.:

Amend Substitute for H. Res. 4 by adding in the tabulation schedule the following:

W. Henry Grimes Warren County		Amount due from State for deductions from fees and commissions, to be ascertained by Commissioner of Revenue but not to exceed $1,200.00. Payment for services as County Tax Commissioner, 1930-1934.

Said amendment was agreed to.

Mr. Hunt offered the following amendment to said Substitute, viz.:

Amend the Substitute for H. Res. 4 by adding in the tabulation schedule, the following:

D. A. Woodburn Central City, Ky.	$120.00	Refund of payment to Unemployment Insurance Fund.

Said amendment was agreed to.

Mr. West offered the following amendment to said Substitute, viz.:

Amend Substitute for H. Res. 4 by adding in the tabulation schedule, the following:

Union Bank & Trust Co. Irvine, Ky.	$4.00	Payment of witness claim.

Said amendment was agreed to.

Said Substitute was then adopted, as amended.

Ordered that said resolution be engrossed and read the third time.

The Constitutional provision as to the third reading of said resolution at length having been dispensed with, and the

same having been engrossed, said resolution was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

F. H. Bassett, Jr.	W. H. Hunt	James E. Quill
W. G. Biggers	Lee Johnson	C. R. Reeves
Chas. W. Burnley	Paul S. Jonas	L. Allen Rhoads
Willis Champion	Homer E. Losey	H. G. Royalty
A. Roy Copeland	A. L. Love	F. W. Schuhmann
John P. Craig	Johnston Miller	Vernon Seaton
Fred Creasey	Harry L. Moore	Faust Y. Simpson
Thomas S. Dawson	Herbert V. Moore	Arthur Stallard
T. H. Dyer	J. Lee Moore	Geo. W. Steinford
Bernie S. Edlin	L. D. Moore	Egbert V. Taylor
Dr. J. C. Gabbard	W. B. Moser	H. Thieman, Jr.
Franklin Goins	C. Sid Nabb	Otis C. Thomas
R. M. Hall	Joe E. Nunn	John L. Trumbo
Claude Hammons	Chester Peterson	R. E. West
B. C. Holbrook	Albert W. Pfeiffer	Taylor Witt
Clyde S. Howard	Sylvester Phillips	Speaker Harry
Jerry F. Howell	L. W. Preston	Lee Waterfield
J. J. Huff	Edw. P. Prichard	—52

Those who voted in the negative were—

Isaac Blevins	H. Clay Kauffman	Amos Runyon
Marvin Cornett	G. M. Knuckles	Robt. J. Spaulding
J. R. Dorman	Coy C. Nevitt	Joe Stewart
Wm. E. Justice	Jno. C. Newcomb	Thos. M. Swope
		—12

Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said resolution was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 61. Resolution authorizing suits against the Commonwealth of Kentucky.

Said resolution is as follows, viz.:

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That Jerry Hall be and he is authorized to sue the Commonwealth of Kentucky in the Floyd Circuit Court for damages resulting from personal injuries and injuries to his truck, caused by alleged negligence on the part of the employees of the Commonwealth of Kentucky while said employees were in the line of duty as agents of the Commonwealth. Said suit shall be for a sum not in excess of ten thousand ($10,000.00) dollars.

The Attorney General of the Commonwealth of Kentucky may investigate the claim herein and settle same before or after suit is filed if he deems it advisable.

Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the General Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the

Circuit Court either party may appeal to the Court of Appeals of Kentucky.

No statement in this resolution shall be considered by either the Court or the jury as an admission of negligence upon the part of the Commonwealth, and this resolution shall not be introduced as evidence for either party nor commented upon by counsel in argument to the jury.

Mr. Howell offered the following amendment thereto by way of Substitute therefor, viz.:

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

§ 1. The following named persons are authorized to sue the Commonwealth of Kentucky, in the circuit court of the county, and in an amount not exceeding the amount, and for the cause, each as hereinafter set opposite their names:

Name—Address	*Circuit Court*	*Maximum Amount*	*Cause*
Jerry Hall, Floyd County, Ky.	Floyd	$10,000.00	Negligence of State Employes.

§ 2. The Attorney General of the Commonwealth of Kentucky may investigate the claims against the Commonwealth herein and settle said claims before or after suit is filed, if he deems it advisable. Any amount recovered in said suits or by settlement with the Attorney General shall be paid out of the General Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

§ 3. In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

§ 4. No statement in this resolution shall be considered by either the Court or jury as an admission of negligence upon the part of the Commonwealth and this resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

Mr. Losey offered the following amendment to said Substitute, viz.:

Amend Substitute for H. Res. 61 by adding in the tabulation schedule the following:

Mike Gleason, Pulaski, Burnside, Ky.	$1,000.00	Negligence of Department of Highways.

Said amendment was agreed to.

Amend the Substitute for H. Res. 61 by adding in the tabulation schedule the following:

I. L. Story, Administrator for Estate of Iza Loraine Mason, deceased, Russell County, Ky.	$10,000.00	Negligence of Department of Highways.

Said amendment was agreed to.

Mr. Creasey offered the following amendment to said Substitute, viz.:

Amend the Substitute for H. Res. 61 by adding in the tabulation schedule, the following:

Personal Representative of Gerald Dalton Troutman, deceased, McLean County.	$10,000.00

Negligence of state employes.

Mr. Seaton offered the following amendment to said Substitute, viz.:

Amend said Substitute by adding in the tabulation schedule the following:

George Hunt, Joseph W. Bosley, and M. I. Forbes, Ashland, Ky.	$18,500.00	Breach of contract for construction of public highway.

Said amendment was agreed to.

Mr. Swope offered the following amendment to said Substitute, viz:

Amend the Substitute for H. Res. 61 by adding in the tabulation schedule the following:

J. T. Eads Lexington, Ky.	$450.00	Negligence of State Employes

Said amendment was agreed to.

Said Substitute was then adopted as amended.

Ordered that said resolution be engrossed and read the third time.

The Constitutional provision as to the third reading of said resolution at length having been dispensed with and the same having been engrossed, said resolution was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

F. H. Bassett, Jr.	W. H. Hunt	Kleber F. Price
W. G. Biggers	Lee Johnson	Edw. P. Prichard
Isaac Blevins	Wm. E. Justice	James E. Quill
J. C. Bradley	H. Clay Kauffman	C. R. Reeves
Chas. W. Burnley	M. Kavanaugh	L. Allen Rhoads
Marvin Cornett	G. M. Knuckles	H. G. Royalty
John Henry Cox	J. T. Linton	Amos Runyon
John P. Craig	Homer E. Losey	F. W. Schuhmann
Fred Creasey	A. L. Love	Vernon Seaton
Thomas S. Dawson	Johnston Miller	Faust Y. Simpson
J. R. Dorman	Harry L. Moore	Robt. J. Spaulding
T. H. Dyer	Herbert V. Moore	Arthur Stallard
Bernie S. Edlin	L. D. Moore	Geo. W. Steinford
Dr. J. C. Gabbard	W. B. Moser	Joe Stewart
Franklin Goins	C. Sid Nabb	Thos. M. Swope
R. M. Hall	Joe E. Nunn	H. Thieman, Jr.
B. C. Holbrook	Chester Peterson	Otis C. Thomas
Clyde S. Howard	Albert W. Pfeiffer	E. B. Thompson
Jerry F. Howell	Sylvester Phillips	R. E. West
J. J. Huff	L. W. Preston	Taylor Witt

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Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said resolution was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

A message was received from the Senate announcing that they had passed bills which originated in that body entitled:

S. B. 29. An Act relating to the Department of Law.

Said bill is as follows, viz:

AN ACT relating to the Department of Law; repealing, amending, and reenacting section 15.020 Kentucky Revised Statutes; prescribing the duties and powers of the Attorney General; providing for the employment and compensation of special counsel for the Commonwealth; and repealing sections 15.030 and 15.040 Kentucky Revised Statutes of 1942, and chapter 106 of the Acts of 1942; and declaring an emergency.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section One. Section 15.020 of the Kentucky Revised Statutes of 1942 is repealed, amended and reenacted so as to read as follows:

"The Attorney General is the chief law officer of the Commonwealth of Kentucky and all of its departments, commissions, agencies, and political subdivisions, and the legal adviser of all state officers, departments, commissions, and agencies, and when requested in writing shall furnish to them his written opinion touching any of their official duties, and shall prepare proper drafts of all instruments of writing required for public use, and shall exercise all common law duties and authority pertaining to the office of the Attorney General under the common law, except when modified by statutory enactment. He shall appear for the Commonwealth in all cases in the Court of Appeals wherein the Commonwealth is interested, and shall also commence all actions or enter his appearance in all cases, hearings, and proceedings in and before all other courts, tribunals, or commissions in or out of the state, and attend to all litigation and legal business in or out of the state required of him by law, or in which the Commonwealth has an interest, and any litigation or legal business that any state officer, department, commission, or agency may have in connection with, or growing out of,

his or its official duties, except where it is made the duty of the Commonwealth's Attorney or County Attorney to represent the Commonwealth: When any attorney is employed for any said agency, the same shall have the approval of such agency before such employment.

Section Two. A new section of the Kentucky Revised Statutes is created, to be numbered 15.050, and to read as follows:

"(1) No state officer or agency shall employ or be represented by an attorney other than the Attorney General unless an emergency arises which, in the opinion of the Attorney General, requires the employment of other or additional counsel to protect the interest of the Commonwealth, or a litigation arises in which the Attorney General has an adverse interest. In either event the Attorney General shall in writing set forth the reasons for the employment, and request the Governor to employ other or additional counsel.

"(2) Before other or additional counsel is employed his fee and compensation shall be fixed by written contract by the Attorney General and the counsel, subject to the approval of the Governor; and the written request and a copy of the contract shall be filed in the office of the Secretary of State; copy of the written request and of the contract shall be kept on file in the office of the Attorney General. But in the event that additional counsel must be employed because the Attorney General has an adverse interest in the litigation, the contract employing said other counsel shall be made by the officer or agency involved, and the counsel employed subject to the approval of the Governor. A copy of such contract shall also be filed in the office of the Secretary of State and the office of the Attorney General.

"(3) The fees, compensation, and expenses contracted to be paid to said other or additional counsel shall be paid out of funds designated by the Governor.

Section Three. Sections 15.030 and 150.040 Kentucky Revised Statutes of 1942, and also sections 12.150 to and including 12.180 Kentucky Revised Statutes of 1942, and chapter 106 of the Acts of 1942, are hereby repealed.

Section Four. All acts and parts of acts in conflict with this act are repealed to the extent of such conflict. Provided, however, that nothing in this Act is intended to or shall be construed to apply to any contract of employment with any attorney or attorneys heretofore made pursuant to law, nor shall any of the provisions of this Act be construed to prohibit or to limit the right of any attorneys now employed by the Commonwealth or any of its Departments pursuant to contract made under statutory authority to represent the Commonwealth of such Department in any suits, actions, or proceedings authorized under such contracts of employment. The provisions of this Act shall not apply to any of such cases.

S. B. 28. AN ACT relating to the Department of Revenue; amending sections 134.380, 135.050, 135.060, 135.070, 131.220, 132.330, 132.350 of the Kentucky Revised Statutes of 1942; and subsection 5 of section 131.130; and subsection 1 of section 140.160 Kentucky Revised Statutes of 1942; authorizing the Attorney General, with the approval of the Department of Revenue to appoint two additional Assistant Attorneys General for the Department of Revenue; prescribing their duties; fixing their compensation and time of payment; and providing for each of said Assistants an all-time stenographer; and fixing their compensation and the time of payment.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. Section 134.380 of the Kentucky Revised Statutes of 1942 is amended to read as follows:

(1) The Commissioner of Revenue may act in the name of and in behalf of the State and in the name of and in behalf of any and all counties, school and other taxing districts in the State, except cities, to institute and prosecute any action or proceeding for the collection of delinquent taxes and the assessment of omitted property. All power and authority heretofore or now vested in revenue agents, auditor's agents, sheriffs and other state, county or district agents or officers relating to the bringing or prosecution of actions or proceedings for the purposes contemplated by this section are transferred to and vested in the commissioner.

(2) The Commissioner of Revenue, or the Department of Revenue, shall be authorized to institute and prosecute actions for the collection of delinquent taxes and the assessment of omitted property only through the Attorney General, or through one of the Assistant Attorneys General designated by the Attorney General, or by law, for such purpose. The Department of Revenue shall cooperate to the fullest extent with the Attorney General and such Assistant Attorneys General in the furnishing of information and the procuring and introduction of evidence, and all files and records of the Department of Revenue, including individual tax returns and schedules, shall at all times be available for inspection by the Attorney General and such Assistant Attorneys General. The Attorney General and such Assistant Attorneys General shall prosecute diligently the collection of all delinquent taxes due the state. Nothing in this subsection is intended to interfere with the duties of the county attorneys under KRS 132.040, 132.350, 134.340, 134.500, 134.540 and 135.040.

(3) Nothing contained in this chapter shall prevent the Commissioner of Revenue or the Kentucky Tax Commission from assessing any property in accordance with the provisions of KRS 136.020, 136.030, 136.050, 136.120 to 136.180 or 136.270.

(4) The Department of Revenue may require any reports necessary to administer the law in connection with the collection of delinquent taxes, and may promulgate rules and regulations as to how the tax bills, certificates of delinquency and other forms shall be filed and recorded. The department shall require an index to be kept of all certificates of delinquency.

2. Section 135.050 of the Kentucky Revised Statutes of 1942 is amended to read as follows:

(1) The Commissioner of Revenue shall prosecute diligently, or cause to be prosecuted by field agents and accountants, the collection of all license fees, omitted licenses, inheritance, estate, income, excise or franchise taxes, judgments or other moneys, claims or demands due the state from any person.

(2) The Department of Revenue may institute legal proceedings to ascertain the amount of tax due under any statute imposing a license, excise or income tax in favor of the state, and to enforce the collection of the amount due and the penalties and interest thereon, and, in the case of a license or excise tax, to enjoin the operation of the business of the delinquent until the tax is paid, without being required to execute bond.

(3) The Department of Revenue may, at or after the commencement of an action under subsection (2) of this section to collect the amount of license, excise or income tax due and the penalties and interest thereon, have an attachment against the property of the person liable for the tax or a garnishment of his debtors, without the execution of a bond.

(4) No action shall be instituted or prosecuted for any purpose mentioned in this section through any attorney other than the Attorney General and such Assistant Attorneys General as are designated by the Attorney General or by law for such purpose.

3. Section 135.060 of the Kentucky Revised Statutes of 1942 is amended to read as follows:

(1) The Attorney General and such Assistant Attorneys General as are designated by the Attorney General, or by law, for such purpose may institute actions in the name of the Commonwealth, and in the name of any county, school or other taxing district, on relation of the Commissioner of Revenue, against any delinquent state, county or district officer or any person to recover taxes or any other money due the state or any county, school or other taxing district. Such actions shall be instituted upon the request of the Commissioner of Revenue, accompanied by a statement of facts reasonably indicating that a cause of action exists, or in any case where information is brought to the attention of the Attorney General or such Assistant Attorneys General indicating the existence of a cause of action.

(2) Before instituting any action under subsection (1) of this section, the Attorney General or Assistant Attorney General shall file a copy of the petition in the proposed action with the Commissioner of Revenue, with a statement of the facts on which the action is based.

(3) In all actions brought under subsection (1) of this section in which a judgment is recovered, the party in default shall, in addition to the amount found to be due the state or any county, school or other taxing district, be adjudged to pay a penalty of twenty percent on the amount due.

4. Section 135.070 of the Kentucky Revised Statutes of 1942 is amended to read as follows:

No action instituted under KRS 135.060 shall be settled except by judgment in open court, and no compromise or agreed judgment shall be entered in any such action except with the written approval of the Commissioner of Revenue. All files

and records of the Attorney General and of the Assistant Attorneys General with regard to any action instituted under KRS 135.060 shall at all times be available for inspection by the Commissioner of Revenue or by a representative designated by him.

5. Subsection (5) of section 131.130 of the Kentucky Revised Statutes of 1942, relating to the performance of services for the Department of Revenue by Commonwealth's attorneys and county attorneys, is amended to read as follows:

(5) The Department may require the Commonwealth's attorneys and county attorneys to prosecute actions and proceedings and perform other services incident to the enforcement of laws assigned to the department for administration, except that no Commonwealth's attorney or county attorney shall prosecute any action for the collection of delinquent taxes or the assessment of omitted property unless with the approval of the Attorney General.

6. Section 131.220 of the Kentucky Revised Statutes of 1942 is amended to read as follows:

Field agents, accountants and attorneys of the Department of Revenue shall report to the Commonwealth's attorney, county attorney or grand jury, when directed to do so by the Commissioner of Revenue, and with the approval of the Attorney General, all persons who may be guilty of violating any tax law, and shall cause the offenders to be prosecuted.

7. Section 132.330 of the Kentucky Revised Statutes of 1942 is amended to read as follows:

The Department of Revenue, and its field agents, accountants and attorneys shall cause to be listed for taxation all property omitted by the county tax commissioners, boards of supervisors, Kentucky Tax Commission acting as a board of valuation and assessment, or any other assessing authority, for any

year omitted. Such listing shall be caused by the institution of an action, on the relation of the Commissioner of Revenue, by the Attorney General or by such Assistant Attorneys General as may be designated by the Attorney General or by law for the purpose. Such action shall be instituted by filing in the office of the county clerk of the county in which the property may be liable to assessment a statement containing a description and value of the property or corporate franchise proposed to be assessed, the name and place of residence of the owner, his agent or attorney, or person in possession of the property, if known, and the year the property was unassessed. The county clerk shall thereupon issue a summons against the owner, or person in possession of the property if the owner is unknown, to show cause before the next regular term of the county court that does not commence within five days after the service of the summons, why the property or corporate franchise shall not be assessed at the value named in the statement filed. No judgment shall be rendered against the alleged owner unless the statement filed contains a description of the property sought to be assessed that will enable the court to identify it. The summons shall be executed by the sheriff by delivering a copy thereof to the owner, or if he is not in the county to his agent, attorney or person in possession of the property. If the property is real property, and the owner is known but is absent from the state and has no attorney or agent in this state and no one is in possession of the property, the summons shall be served by posting it in a conspicuous place upon the property; if the property consists of tangible personal property the summons shall be placed in a conspicuous place where the property is located. In the case of tangible and intangible personal property, where the owner and his place of residence are unknown and no one has possession of the property, an action for assessment shall be instituted by filing the petition above mentioned and procuring constructive service against the owner under the provisions of sections 58, 59 and 60 of the Civil Code. In all of the above cases an attachment of the property omitted

from assessment may be procured against the owner, at the time of the institution of the action or thereafter, and without the execution of a bond by the Commonwealth or its relator, by the representative of the Department of Revenue making an affidavit that the property described in the petition is subject to state, county, school or other taxing district tax, and is unassessed for any taxable year.

8. Section 132.350 of the Kentucky Revised Statutes of 1942 is amended to read as follows:

The county clerk shall, upon the filing of a statement under KRS 132.330 for the assessment of omitted property, enter the name of the Attorney General or Assistant Attorney General who brings the action as attorney for the department, and enter the name of the county attorney as attorney for the state, county, school or other taxing districts for which the Commissioner of Revenue is authorized to act as relator in such proceedings. The county attorney shall appear and prosecute or assist in the prosecuting of the proceeding in all the courts to which it may be taken for trial. If there is a judgment assessing the property for taxation, the judgment in each case shall recite whether or not the county attorney was present and assisted in the trial of the proceeding. When he is present and assists in the proceeding he shall be allowed compensation for his services ten percent of the amount of state, county and school taxes assessed and collected pursuant to the judgment. The state and county shall be liable respectively for the payment only of the percentage allowance of compensation to the county attorney on the amount that each collected, and this shall be paid to the county attorney within thirty days after the collection of the taxes, and charged against the fund to which the tax was credited.

9. Subsection (1) of section 140.160 of the Kentucky Revised Statutes of 1942 is amended to read as follows:

(1) The Department of Revenue shall have supervision of the collection of all taxes due under the provisions of this chapter. The Commissioner of Revenue shall have the power to institute suits in this and other States to carry out the full intent and purpose of this chapter, and all such suits shall be brought by the Attorney General or by one of the Assistant Attorneys General. The department shall furnish, upon application, blank forms covering such information as may be necessary to determine the amount of tax due the state on the transfer of all property subject to tax.

10. A new section of the statutes is created, to read as follows:

(1) The Attorney General shall appoint two Assistant Attorneys General, with the approval of the Department of Revenue, whose duty it shall be to institute and prosecute actions for the collection of delinquent taxes and the assessment of omitted property, as contemplated by KRS 132.330, 134.060. Such Assistants shall devote such time as is necessary to such duty but subject at all times to perform such duties generally for the office of Attorney General as directed by the Attorney General, and shall take such action as may be necessary or advisable to secure information with regard to delinquent taxes and omitted property. They shall advise and cooperate with the Commissioner of Revenue and the employes of the Department of Revenue, but shall at all times be subject to the supervision and direction of the Attorney General.

(2) Such Assistants shall be licensed practicing attorneys of this state, with at least four years' experience in actual practice. They shall serve for the term of the Attorney General by whom appointed, subject to removal by him at pleasure. They shall, before entering upon their duties, execute bond, with qualified corporate surety, in such sum as may be required by the Attorney General, sufficient to cover any funds which may come into their hands by virtue of their duties. The prem-

iums on the bonds shall be paid out of the Delinquent Tax Fund established under KRS 134.400. Such Assistants shall not receive any tax money without specific written authority from the Commissioner of Revenue, and they shall be subject to the provisions of KRS 131.205.

(3) Each of such Assistants shall receive an annual salary of four thousand five hundred dollars ($4,500.00). Such salaries shall be paid in monthly installments out of the Delinquent Tax Fund established under KRS 134.400. The salary or compensation of such Assistant Attorneys General appointed pursuant to this Act, including all expenses, shall be limited to the money paid into the delinquent tax fund as a result of taxes collected in suits, actions or proceedings instituted by them; and in no event shall the salaries or compensation authorized by this Act exceed the amount so collected and paid into the delinquent tax fund.

(4) Such Assistants shall each be entitled to the services of a full-time stenographer who shall be employed by the Attorney General and paid a compensation determined by the Attorney General with the approval of the Commissioner of Revenue, and said compensation not to exceed two thousand dollars ($2,000.00) per annum, and such compensation to be paid in monthly installments from the Delinquent Tax Fund established under Kentucky Revised Statutes, section 134.400. The salary or compensation and expenses of secretaries or stenographic help for the Assistant Attorneys General employed pursuant to the provisions of this Act shall be limited to the amount of money paid into the delinquent tax fund, pursuant to suits, actions and proceedings instituted by the Attorney General or Assistant Attorneys General under the provisions of this Act; and in no event shall the salaries or compensation authorized by this Act exceed the amount so collected and paid into the delinquent tax fund.

(6) The Commissioner of Revenue each three months shall file with the Governor of this Commonwealth a statement showing the receipts and disbursements for preceding three months and said statement shall give an itemized statement of each amount received and its source and an itemized statement showing each amount expended and purpose of expenditure and to whom paid.

11. Nothing in this Act shall be construed to apply to any contract heretofore made pursuant to law, nor shall any provision of this Act be construed to prohibit or to limit the right of any attorneys who represent the Commissioner of Revenue in any suits, actions, or proceedings, which have been instituted pursuant to law and which are now pending. The provisions of this Act shall not apply to any of such cases.

S. B. 135. An Act relating to the mining of clay fluorspar.

Said bill is as follows, viz:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

§1. (1) As used in this Act, unless the context requires otherwise:

(a) "Chief" means Chief of the Department of Mines and Minerals.

(b) "Commercial mine" means any clay or fluorspar mine from which the product is mined for sale or exchange.

(c) "Department" means the Department of Mines and Minerals.

(d) "Drift" means an opening through the strata, with opening grades such as to permit clay or fluorspar to be hauled

by mules or mechanical traction power, and capable of being used for the purpose of ventilation, drainage, ingress, egress and other purposes in connection with mining operations.

(e) "Gaseous mine" means a mine in which the percentage of explosive gas exceeds one percent at the return of any one split of ventilation.

(f) "Mine" means a group or system of shafts, slopes, drifts or inclined planes connected by one general system of mine railroads over which clay or fluorspar may be delivered to one or more points outside the mine, and connected with excavations that penetrate clay or fluorspar strata and are ventilated by one general air current or divisions thereof.

(g) "Mine foreman" means the person whom the operator or superintendent places in charge of the workings of the mine and of persons employed therein.

(h) "Operator" means an individual, firm or corporation operating a clay or fluorspar mine or any part thereof.

(i) "Shaft" means a vertical opening through the strata that is or may be used, in connection with the mining of clay or fluorspar, for the purpose of ventilation, drainage, for hoisting men, clay, fluorspar or materials.

(j) "Slope" means an inclined opening used for the same purpose as a shaft.

(k) "Superintendent" means the person who, on behalf of the operator, has immediate supervision of one or more mines.

(2) Except as the context otherwise requires, this Act applies to commercial clay or fluorspar mines, but shall not apply to the mining of clay, fluorspar or other minerals which are mined from open pits or open mines.

(3) The provisions of this Act shall extend to commercial clay and fluorspar mines, but shall not apply to the mining of clay, fluorspar or other minerals which are mined from open pits or open mines.

§2. This Act shall be administered and enforced by the Department of Mines and Minerals.

§3. (1) The department may prescribe rules of procedure and for offering evidence in all matters brought before it, and shall prepare and, on request, furnish to all applicants copies of forms of notices and other forms that the department requires to be used, and shall prescribe the manner of serving such notices.

(2) The department shall hold one or more hearings on each matter brought before it. All interested persons shall be given due notice and an opportunity to appear and offer evidence, and to make argument by counsel if desired. The department shall decide each matter in controversy in the manner that seems to it just and reasonable and necessary or desirable for the proper enforcement of §49 of this Act.

§4. (1) Any party in interest dissatisfied with an order of the department may commence an equitable action against the department and other interested parties as defendants, to vacate or set aside, in whole or in part, any such order. The action may be brought in the circuit court of the county where the subject matter involved in the order, or the well or workable clay or fluorspar bed or part thereof, is located, or in any other court of competent jurisdiction. The court may grant relief from any unlawful or unreasonable order of the department, and render such judgment as appears to it to be equitable and just.

(2) The pendency of the action shall not of itself suspend the operation of the order of the department, but during the

pendency of the action any party may secure from the court an order suspending or staying the operation of the order of the department pending the action by giving to the other parties adequate security, approved by the court, against loss due to the delay in enforcement of the order, in case the order under review is not set aside, and the court may, without security being given, suspend the operation of the order, in whole or in part, on such terms as it deems just and in accordance with the practice of courts of equity.

(3) Appeals may be taken to the Court of Appeals as in other cases.

§5. (1) The Chief of the Department of Mines and Minerals shall have full authority over the department and shall superintend and direct the activities of the district mine inspectors and other personnel of the department.

(2) He may, whenever necessary, divide the clay and fluorspar fields of the state into as many inspection districts as there are district mine inspectors, so as to equalize as nearly as practicable the work of each inspector, and may assign to the inspectors their respective districts.

(3) He may, whenever he deems it necessary in the interest of efficient supervision of the mines, temporarily employ the services of two or more mine inspectors or change inspectors from one district to another.

(4) He shall superintend and direct the inspection of mines and cause to be investigated the character and quality of air in mines whenever conditions indicate the necessity of doing so.

(5) He shall collect statistics relating to clay and fluorspar mining in the state and make an annual report of such statistics.

(6) He shall see that maps, plans, projections and proposed developments of all clay and fluorspar mines are made and filed in his office.

(7) He shall keep a properly indexed, permanent record of all inspections made by himself and the personnel of the department.

(8) He shall exercise general supervision over the training of officials and workmen in safety and first aid and mine rescue methods and may conduct demonstrations in safety whenever he deems it advisable.

(9) He shall exercise general supervision over the dissemination of information among officials and employes concerning mine ventilation, mining methods and mine accidents and their prevention, and shall assume full charge in the event of mine fire or explosion or other serious accident at any mine in the state.

(10) He may assist in the resumption of operations of any mine or gather data for the development of any clay and fluorspar seams that would be of any benefit to the state or create new employment.

§6. (1) The Board of Examiners for the certification of clay and fluorspar mine foremen shall consist of the following members:

(a) The Chief of the Department of Mines and Minerals:

(b) Any two district mine inspectors, the selection of whom is optional with the chief, who may select them alternately or otherwise;

(c) One miner with a minimum of seven years' practical experience in the mining of clay and fluorspar, four years, at

least, of which experience have been in the mines of this state, and who is actually employed in mining clay and fluorspar at the time of the appointment; and

(d) One operator who at the time of his appointment is actually engaged in operating a clay and fluorspar mine.

(2) Each member of the board except the chief shall be recommended by the chief and appointed by the Governor for a term of four years.

(3) The Chief of the Department of Mines and Minerals shall be chairman of the board and whenever it is necessary for him to be absent from any meeting of the board he may designate any other member to preside during his absence. A majority of the members shall constitute a quorum, with authority to transact business, hold examinations and issue certificates. The chairman shall keep a record of all proceedings of the board, including the names and addresses of persons who have been granted certificates and of those who have failed to pass the examination.

§7. (1) The Board of Examiners shall not admit any applicant to take an examination given by it until the applicant has paid to the Department of Finance an examination fee of $2.50 and presented a receipt therefor to the board.

(2) The board may refuse to examine any applicant who cannot readily understand the written English language or cannot express himself intelligently in English.

§8. (1) The Board of Examiners shall issue a certificate to each person who possesses the qualifications required by law for district mine inspector, mine foreman or fire boss, has passed the examination given by the board for that position and meets the requirements of subsection (4) of this section.

(2) The certificate shall be in such form as the chief of the department prescribes, shall be signed by the members of the Board of Examiners, and shall show that the holder has passed the required examination and possesses the qualifications required by law for a mine foreman and is authorized to act as such in a clay or fluorspar mine.

(3) Certificates issued to mine foremen for clay or fluorspar mines shall authorize the holders to act as foremen for all classes of clay and fluorspar mines;

(4) No certificate shall be granted to any person who does not present to the Board of Examiners satisfactory evidence in the form of affidavits made by well known and responsible persons in the locality from which he came, that the applicant is a man of sobriety and good moral character, and that he has had at least five years' practical experience at and in clay or fluorspar mines, or to any person who is not either a bona fide resident of this state or employed at a mine in this state.

(5) Persons serving as mine foremen for clay and fluorspar mines at the time of the passage of this Act shall be allowed a period of six months from the effective date of the act within which to take an examination and become certified, so as to qualify under the clay and fluorspar mine act.

§9. If any mine foreman of a clay or fluorspar mine misplaces his certificate or it is destroyed, he shall apply to the Chief of the Department of Mines and Minerals for a duplicate certificate, including with his application an affidavit stating in full how the certificate was destroyed or misplaced, and if the chief deems it proper he shall furnish the mine foreman with a duplicate certificate. Any such person applying for a duplicate certificate shall pay a fee of two dollars to the Department of Finance.

§10. Each district mine inspector shall give his entire time and attention to the duties of his office, which shall consist of the following:

(1) Inspecting clay and fluorspar mines and aiding under the direction of the chief of the department in carrying out and enforcing the provisions of the laws relating to the inspection of clay and fluorspar mines;

(2) Training officials and workmen in and about the mines in first aid and mine rescue methods;

(3) Advising officials and workmen in methods pertaining to safety in all its phases and in methods pertaining to the prevention of mine fires and explosions;

(4) Taking charge of mine rescue and recovery work whenever a mine fire, mine explosion or other serious accident occurs within his district, and the chief is not present, and assisting in such work in other districts when so directed by the chief;

(5) Reopening mines or portions of mines that have been sealed on account of fire or any other cause, when so called upon by the owner or operator and directed by the chief to do so; and

(6) Visiting each mine in his district at least once every three months, or oftener if practicable, and wherever any danger to the workmen may exist, making a personal examination of the interior of each mine with respect to ventilation, drainage, timbering, blasting, electricity and general security, and also a personal examination of the outside of the mine.

§11. (1) The chief of the department shall annually make a report to the Governor of his proceedings during the preceding calendar year. The annual report shall be prepared and printed as soon as possible within the four months after the

close of the calendar year. The annual report shall cover the complete operation of the clay and fluorspar mines in this state during the preceding calendar year, enumerating all accidents occurring in or about any such mine during that year, and giving such other information as the chief deems useful, and making such suggestions as he deems important as to further legislation on the subject of mining.

(2) The chief shall, when ordered by any circuit judge, furnish any person a certified copy of the report of the inspection of any mine inspected by him or by a district mine inspector.

§12. The owner, lessee, or superintendent of each commercial clay and fluorspar mine shall give at the end of each month and at the end of each calendar year accurate information, on blanks furnished by the chief of the department, as to the number of accidents that have occurred, the number of persons employed, the tons of clay and fluorspar mined and any other information not of a private nature that the chief requests.

§13. (1) The inspectors of mine weights shall inspect and test all scales, except railroad scales, used in connection with any commercial coal, clay and fluorspar mine in this state, and shall determine their mechanical condition and accuracy. Each coal, clay and fluorspar operator or superintendent shall render such assistance to the inspector of mine weights as may be necessary in conveying and handling the weights and other appliances that are needed for the proper inspecting and testing of scales. The inspector of mine weights shall leave a written record with the mine operator or superintendent as to the condition of the scales inspected and shall post in the weight office a record of the inspection of the scales. If upon inspecting and testing any mine scale the inspector deems it necessary that the scale have any parts replaced, or that the scale be reconditioned or the foundation or building repaired or renewed, the operator or superintendent shall immediately comply with his recommendations.

(2) Each operator shall pay a fee of $7.50 to the department for each mine scale inspection.

§14. As used in §§14 to 49 of this Act, unless the context requires otherwise:

(a) "Approved safety lamp" means any bonneted lamp that bears the approval plate of the Federal Bureau of Mines and is approved by the Department of Mines and minerals of this state.

(b) "Excavations and workings" includes all the excavated portions of a mine, whether abandoned or being worked, all underground workings, shafts, tunnels, ways and openings, whether completed or in the course of being sunk or driven, and all roads, appliances, machinery and material connected therewith below the surface.

(c) "Tipple or dumping point" means the tipple or structure where clay or fluorspar is dumped or unloaded from the mine car into railroad cars, trucks, wagons or other means of conveyance.

§15. (1) The ventilation of all clay and fluorspar mines at which five or more men are employed shall be produced by means of mechanically operated fans located outside the mine. Mines at which less than five men are employed shall be ventilated by means approved by the Department of Mines and Minerals. If inside fans are required to ventilate working places on longwall or modern systems of mining the Chief of the Department of Mines and Minerals must first approve the installation.

(2) The operator, superintendent or foreman of every clay and fluorspar mine worked by shaft, slope or drift shall provide and maintain for every mine adequate ventilation affording at least 100 cubic feet of air per minute for each person

employed in the mine and at least 200 cubic feet of air per minute for each animal working in the mine, unless the mine liberates explosive gas, in which case he shall provide at least 150 cubic feet of air per minute for each person and 300 cubic feet of air per minute for each animal, and as much more air as the district inspector deems necessary. The air shall be circulated around the main headings, cross headings, room headings and working places to such an extent as to dilute, render harmless and carry off any noxious or dangerous gases.

(3) As working places advance, breakthroughs for air shall be made sixty feet apart, except where it is now permitted, with the approval of the district mine inspector and the chief of the department, to drive to ninety feet before making breakthroughs, and except that where longwall or modern systems of mining are used the chief may approve a greater distance between breakthroughs or the method of ventilating such longwall or modern systems of mining. If any breakthroughs between intake and return airways are not required for the passage of air, they shall be closed with stoppings. All stoppings shall be substantially built with suitable material subject to the approval of the district mine inspector so as to keep the working places well ventilated. Doors on main haulways shall be avoided in gaseous mines where practicable, and overcasts, built of concrete or other suitable material and of ample strength, shall be adopted. Where doors are used they shall be built in a substantial manner, and shall be hung so as to close automatically when unobstructed.

§16. (1) As many as sixty persons may work in the same air current or split, and with the approval of the district mine inspector and the chief of the department, as many as eighty persons may work in the same air current or split.

(2) No operator, superintendent or mine foreman shall permit any person to work at a place where sufficient ventilation cannot be maintained, except persons employed to make the

places of employment safe in compliance with the requirements of this Act, and while repair work necessary to comply with the requirements is in progress no person shall be permitted to enter that part of the mine affected except those actually employed in doing the repair work. Such repair work shall be done under the constant supervision of an official designated by the mine foreman.

(3) If any accident occurs to the ventilating fan or its machinery, so that the ventilation of the mine will be seriously interrupted, the mine foreman shall order the men to withdraw immediately from the mine and shall not allow them to return until the ventilation has been restored and the mine thoroughly examined by him, or by an assistant mine foreman or fire boss, and reported safe.

§ 17. If the district mine inspector discovers any working place being driven in advance of the air current to the requirements of this chapter, he shall notify the mine foreman to cease work in the place at once and not resume such work until the law is complied with.

§ 18. (1) No alcohol, petroleum product nor any compound that in the opinion of the district mine inspector, will contaminate the air to such an extent as to be injurious to the health of the miners shall be used as motive power in any mine.

(2) No steam locomotive shall be used in any mine unless it is approved in writing by the chief of the department.

(3) No operator, superintendent or mine foreman shall provide a horse or mule stable inside any mine, unless it is approved in writing by the chief of the department.

§ 19. The operator or superintendent of every mine shall install a uniform system of checking the employes in and out of the mine, so that each employe, entering the mine, shall be

given a check by which he may be identified, and the check shall be placed in its proper place on the check board by the employe when leaving the mine.

§ 20. (1) All unused workings and abandoned parts of mines must be protected by such safeguards as will prevent, so far as practicable, the accumulation or overflow of gas, and all avenues leading thereto shall be so arranged and conducted as to give warning to all persons of the danger of entering, and notice shall be posted warning all unauthorized persons not to enter such parts of the mine.

(2) No person, except persons authorized to make examination thereof, shall enter any unused or abandoned part of a mine after such warning has been posted.

§ 21. No person shall attempt to enter, explore or survey an abandoned mine or portion thereof without the approval of the district mine inspector or the chief of the department.

§ 22. (1) No operator, superintendent, or mine foreman of any clay or fluorspar mine shall permit persons to work therein unless there are to every seam of clay and fluorspar worked in the mine at least two separate outlets, separated by natural strata of not less than one hundred feet in breadth if the mine is worked by shaft or slope, and separated by natural strata of not less than fifty feet in breadth if the mine is worked by drift, by which outlets distinct means of ingress and egress are readily available to persons employed in the mine, but it shall not be necessary for the two outlets to belong to the same mine. This subsection does not apply to the openings of a new entry that is being worked for the purpose of making connection between the two outlets so long as not more than four persons are employed at one time in making the connection or driving the second opening, or to any mine in which the second opening has been rendered available by reason of final robbing or removal of pillars so long as not more than twenty persons are employed therein at one time.

(2) If any coal or fluorspar mine has but one means of ingress and egress for persons employed therein, and the owner does not own suitable ground for another opening, the owner may select appropriate adjacent ground for that purpose and have it condemned, by proceedings similar to those allowed for securing a private passway, in the county court of the county where the mine is situated.

§ 23. (1) In every shaft used as an escape outlet there shall be provided a stairway or ladderway of suitable strength, design and angle, with platforms or landings at each turn, the stairway or ladderway to be approved by the district mine inspector and the chief of the department, or in lieu thereof a properly equipped hoisting arrangement, consisting of a cage suitable for hoisting men, a wire hoisting rope of ample strength and an adequate and safe hoisting engine and drum, which hoisting arrangement shall be ready for use at any time of emergency.

(2) When the escape and fan shafts are combined, the side or end used for an escape outlet and the part used for ventilating purposes shall be separated by a good substantial airtight partition from top to bottom, so that the use of the escape shaft shall not interfere with the ventilation of the mine.

(3) All shafts by which men enter or leave the mine and all passageways to escape outlets shall be carefully examined by the mine foreman, or by a person designated by him, at least once each week that the mine is operating, and the date and findings of the examination shall be entered in a book kept at the mine for that purpose.

(4) No debris, water, timbers or mine cars that would obstruct the free passage of men shall be allowed to accumulate in the passageway to the escape outlet, and if any such obstructions accumulate or exist they shall be promptly removed.

(5) At points where the passageway to the escape outlet is intersected by roadways or entries calculated to produce doubt as to the proper direction to the outlet, conspicuous signboards shall be placed indicating the direction to the escape outlet.

§ 24. (1) At every mine operated by shaft, there shall be an approved safety catch, and on all cages used for lowering and hoisting persons there shall be a sufficient and substantial overhead cover. At the top of each shaft a safety gate shall be provided. An adequate brake, so adjusted that it may be operated by the engineer without leaving his post at the levers, shall be attached to every drum or equivalent machine used for lowering or raising persons at any shaft or slope, and in connection with the hoisting engine an efficient indicator or dial, which will show the engineer the positions of the cages in the shaft at any time, shall be used. Approved means for signaling to the bottom man, the top man and the engineer shall be provided, and all shafts used for lowering or hoisting men shall be equipped with metal tubes or pipes or with telephones, through which conversations may be freely held between persons at the bottom and top landings.

(2) No cages on which men are riding shall be lifted or lowered at a rate of speed greater than six hundred feet per minute.

(3) The hoisting rope, the safety catches and the cage attachments shall be examined by the mine foreman or by some competent person designated by him, every morning before the men descend into the mine, and care shall be taken to keep them in good working condition at all times.

(4) No person shall ride on any cage when coal, clay, fluorspar slate or similar material is being raised.

(5) No person shall enter a cage at the bottom to be raised to the top during the running hours of the mine, or when leaving

work at the close of the day's run, without first being authorized by the bottom man or cager to do so, the bottom man or cager having first signaled to the engineer that men are to be raised.

(6) At every underground landing where persons enter or leave the cage and where persons must pass from one side of the shaft to the other there shall be a passageway not less than three feet wide and of suitable height, kept free from obstruction and as dry as possible, around the shaft; and all employes when passing from one side of the shaft to the other shall use the passageway only.

(7) Whenever the hoisting or lowering of men occurs before daylight or after dark, or when the landing at which men take or leave the cage is obscured by steam or otherwise, there shall be maintained at each landing a light sufficient to show the landing and objects in immediate proximity thereto, and as long as men are underground a good light shall be maintained at the bottom of the shaft, so that persons coming to the bottom may discern the cage and objects in the vicinity thereof.

§ 25. (1) No operator or superintendent of any clay or fluorspar mine worked by shaft, slope or incline shall place in charge of any engine or drum used for lowering or hoisting any persons employed in the mine any but competent and sober engineers or drum runners.

(2) No engineer in charge of such machinery shall allow any person except such as may be designated for this purpose by the operator or superintendent to interfere with any part of the machinery.

(3) No person shall interfere with or intimidate the engineer or drum runner in the discharge of his duties.

(4) In a mine worked by shaft, slope or incline, no more than ten persons shall ride in any cage or car at one time, with-

out the approval of the district mine inspector and the chief of the department, and no person shall ride on a loaded cage or car, except that where special man cars or cages are employed to haul workmen on inclines the chief may regulate the method and procedure of handling of man cars, cages and workmen.

§ 26. (1) On single-track haulage roads in mines, which the persons employed in the mine must use while performing their work or while traveling on foot to and from their work, there shall be places of refuge on one side not less than three feet in depth from the side of the mine car, and four feet wide, and not more than sixty feet apart where haulage is done by machines, and not less than thirty inches in depth from the side of the mine car, and four feet wide, and not more than sixty feet apart where haulage is done by draft animals.

(2) Special places of refuge are not required on haulage roads on which room necks or break-throughs occur at regular intervals not exceeding sixty feet, and thus furnish places of refuge, or on haulage roads in which the track is so laid as to give a minimum clearance on one side of not less than thirty inches from the side of any haulage engine or any mine car, the clearance to be on the side of the road opposite that upon which electric wires are strung, if electric wires are strung in the road.

(3) No person shall travel on foot to and from work upon any slope used for haulage or upon any haulage road when other roads in proper condition for travel are available.

(4) On all main haulage roads where hauling is done by machinery the mine foreman shall provide a proper system of signals, and a conspicuous light on the front and a light or marker on the rear of every trip or train of cars when in motion in the mine.

§ 27. Whenever fire, explosion or other accident in a clay and fluorspar mine or in the machinery connected therewith

causes loss of life or serious personal injury, the superintendent of the mine, or if he is absent the mine foreman in charge of the mine, shall immediately give notice forthwith to the district mine inspector, stating the particulars of the accident, and if anyone is killed thereby, to the chief of the department. The district mine inspector shall immediately go to the scene of the accident and make such investigation and suggestions and render such assistance as he deems necessary for the future safety of the employes, investigate the cause of the fire, explosion, or accident, make a record thereof and forward it to the chief. The record shall be preserved with the other records of his office. To aid in making such investigations, the chief or the district mine inspector may compel the attendance of witnesses and administer oaths.

§ 28. (1) For every fifty men and fraction thereof employed underground, the operator of each mine shall keep on hand at the mine one properly constructed stretcher, one waterproof woolen blanket, and all other necessary equipment advised by the department.

(2) Each operator shall see that all employes receive the necessary first-aid training for the safety of themselves and their fellow workmen as recommended by the department, and each employe shall accept the necessary training.

§ 29. (1) Except as provided in subsection (2), every miner shall thoroughly examine the roof and general conditions of his working place before commencing work there, and if he finds loose rock, slate or other dangerous conditions that he can remedy he shall take down the loose rock or slate or securely prop it, and otherwise make his place safe before doing any other work there, and during the progress of his work each miner shall carefully watch his working place, and if dangerous conditions develop shall either make it safe or abandon the place until it is made safe.

(2) Where the operator elects to do the timbering the miner shall forsake his working place until the place has been made safe.

§ 30. No person shall knowingly injure any shaft lamp, instrument, air course or brattice, obstruct or throw open airways, disturb any part of the machinery or appliances, open a door used for directing ventilation without closing it afterwards, enter any part of the mine against caution, disobey any order given in carrying out any of the provisions of this Act, do any act endangering the life or health of any person employed in the mine or endangering the security of the mine or enter or be about any mine while intoxicated or under the influence of alcohol.

§ 31. (1) On all haulage roads, landings and partings, where men are required to regularly work or pass under bare power wires placed less than six and one-half feet above the top of the rail, suitable protection shall be provided. This protection shall consist of channeling the roof, placing boards along the wires and extending below them, or the use of some other approved device that affords protection.

(2) All machine feed wires shall be placed on glass or porcelain insulators which shall be so placed as to prevent the wires coming in contact with the coal, clay or fluorspar.

(3) When machine or feed wires are carried in the same entry as the trolley wire, they shall be placed on the same side as the trolley wire, between the trolley wire and rib, and shall be protected from contact therewith. Positive feed wires crossing places where persons or animals are required to travel shall be safely guarded or protected from such persons or animals coming in contact therewith, as provided in subsection (1).

(4) All trolley and positive feed wires shall be placed on opposite sides of track from refuge holes or necks of room, when

so ordered by the department, but wires, when protected as provided for in subsection (1), may be placed across the necks of rooms. Switches or circuit breakers shall be provided to control the current at the mine, and all important sections in the mine.

(5) All power wires and cables in hoisting shafts or manway compartments shall be properly insulated, substantially fixed and well protected.

§ 32. (1) No employe shall take into any mine any larger quantity of powder or other explosive than he may reasonably expect to use in any one shift, and all explosives shall be carried into the mine in an approved insulated or nonconductive receptacle of a capacity not to exceed one shift's supply, and properly closed with an approved top. All detonators or electric squibs shall be carried into the mine in an approved nonconductive receptacle with approved top and of a capacity not to exceed one shift's supply. Each miner shall see that all explosives are separated from detonators, squibs or fuses by at least twelve feet in all working places.

(2) No shots shall be fired in any place known to liberate explosive gas until the place has been properly examined by a competent person designated for that purpose, and no shots shall be fired in any place where gas is detected until the gas has been removed by means of ventilation. After firing any shot no workman shall return to the working place until the smoke has cleared away, and before starting to work he shall make a careful examination as to the condition of the roof, and do what is necessary to make the place safe before beginning to load clay, fluorspar or refuse.

(3) No more than one kind of explosive shall be used in the same drill hole, except in strip mining operations. Every blasting hold shall be tamped full from the explosive to the mouth and no inflammable material shall be used for tamping. Where dynamite or keg powder is used the method and pro-

cedure shall be approved by the district mine inspector and the chief of the department. No fuses shorter than the depth of the drill hole shall be used.

(4) No explosives or detonators shall be hauled on any trip operated by electric haulage motors unless they are enclosed in nonconducting boxes, containers or cars approved by the district mine inspector and the chief of the department.

(5) Trips hauling explosives shall not carry workmen other than those operating the trip, and explosives shall not be hauled into or out of the mine within five minutes preceding or following any trips in which men are handled. When traveling with the air current, the explosive trip shall precede the man trip; when traveling against the air current, the man trip shall precede.

(6) If a safer method of transporting and handling explosives or detonators is made available after proper and sufficient tests and experiments, the chief may approve the method, and that method may be used in lieu of the methods provided in this section.

§ 33. Buildings used for the storage of oils or similar inflammable material shall not be located within one hundred feet of any hoisting or escape shaft or mine opening. Oil and grease used in mines shall be taken into the mine from day to day with one day's supply being the maximum.

§ 34. (1) Where six or more persons are employed in a commercial clay and fluorspar mine in a period of twenty-four hours, the operator shall employ a certified mine foreman therein to properly carry out the plans and rules when approved by the chief of the department and to see that the mining law is complied with. If explosive gas can be detected with a flame safety lamp, the operator shall employ a mine foreman of the first class. If explosive gas is not present, the operator may employ a mine foreman of the second class.

(2) When the mine workings become so extensive that the mine foreman is unable to personally carry out the duties required of him by law, the operator or superintendent shall employ a sufficient number of persons having had at least three years' experience in clay and fluorspar mines to act as assistants to the mine foreman, and under his instructions. The mine foreman shall be responsible for their conduct in the discharge of their duties.

§ 35. The mine foreman shall exercise general supervision over the ventilating apparatus and the airways, traveling ways, working places, pumps and drainage, and shall see that as the miners advance their excavations proper break-throughs are made as required by law to properly ventilate the mine. He shall see that employes are provided with sufficient props, cap pieces, and timbers of suitable size, which shall be delivered to the working place when requisitioned by the employes, and shall see that the props are cut as square as practicable at both ends and as near as practicable to the proper length required or designated for the places where they are to be used. The mine foreman shall see that the water is drained as nearly as practicable out of the working places, and that the working places are kept as free from water as practicable during working hours. The owner, lessee, or operator of each mine shall see that the water drained from the mine is drained as directly as practicable to the adjacent streams or water-courses. He shall see that every person employed to work in the mine is, before beginning to work, instructed in the particular danger incident to his work in the mine and furnished a copy of the rules of the mine. He shall immediately report all violations of mining laws to the operator or superintendent, who shall report the violations to the district mine inspector.

§ 36. The mine foreman shall visit and carefully examine each working place in the mine each day or oftener while the mine employs are at work, and shall direct the miners so that

each working place shall be secured by props or timbers where necessary. He shall examine as live workings, on regular inspections, all places in live sections that are temporarily abandoned. If the mine foreman finds any place to be in a dangerous condition, he shall not leave the place until it is made safe, or until the employes working therein are removed until the place is made safe. He shall not allow any person who may be endangered by the presence of explosive or noxious gases to enter that portion of the mine until the gases have been removed. He shall direct and see that all dangerous places and the entrances to worked-out and abandoned places in all mines are properly fenced off across the openings so that no person can enter, and that danger signals are posted upon the fencing to warn persons of existing danger. He shall give prompt attention to the removal of all dangers reported to him by his assistants, the fire boss or any person working in the mine, and if it is impracticable to remove the danger at once he shall notify every person whose safety is menaced thereby to remain away from the portion where the dangerous condition exists. He or his assistants shall, at least once every week, travel and examine all the air courses, roads and openings that give access to old workings or falls, and make a record of the condition of all places where danger has been found. The record shall be made with ink or indelible pencil in the record book provided for that purpose.

§ 37. (1) The mine foreman shall notify, in writing, the operator or superintendent of the mine of his inability to comply with any of the requirements of the mining laws, and the operator or superintendent shall at once attend to the matter complained of by the mine foreman so as to enable him to comply with the mining laws.

(2) The mine foreman shall each day enter and sign plainly with ink or indelible pencil, in a book provided for that purpose, a report of the condition of the mine. The report shall clearly state any danger that comes under his observation dur-

ing the day or is reported to him by his assistants or by the fire bosses, and shall state whether or not there is a proper supply of material on hand for the safe working of the mine, and whether or not the mining laws are being complied with. The mine foreman shall each day read carefully, and countersign with ink or indelible pencil, all reports entered in the record book of the fire bosses.

§ 38. (1) The mine foreman shall see that break-throughs are made as required by law, and shall see that ventilation is conducted by means of the break-throughs through the rooms by means of check doors or curtains placed on the entries or other suitable places, and shall not permit any room to be opened in advance of the ventilating current.

(2) At least once a month the mine foreman, with an anemometer furnished by the operator, shall measure the air current at the inlet and outlet and at or near the faces of advanced headings, and shall keep a record of such measurements in a book furnished and having a form prescribed by the chief of the department.

(3) The mine foreman shall see that signboards directing the way to outlets or escape ways are conspicuously placed throughout the mine.

§ 39. The operator, superintendent or mine foreman shall have boreholes kept not less than twelve feet in advance of the face, and, where necessary, on the sides, if the working places that are being driven are in dangerous proximity to an abandoned mine, or part thereof, that is suspected of containing noxious gases, or is filled with water. If there is a map of the abandoned mine or part thereof, the boreholes shall be started when the working places have approached within fifty feet of the abandoned mine or part thereof, but if there is no such map the boreholes shall be started when the advanced working places are within one hundred feet of where the abandoned workings are supposed to be.

§ 40. In case of the death or resignation of a mine foreman, the superintendent shall select a competent certified man, if one is available, and if not, he may temporarily select any other competent man, who, if approved by the district mine inspector and the chief of the department, may serve until the next examination. He shall, while acting as mine foreman, have the same duties and be liable to the same penalties.

§ 41. The Board of Examiners may revoke the certificate of a mine foreman if it is established in the judgment of the board that the holder has become unworthy to hold the certificate by reason of violation of law, intemperate habits, incapacity, abuse of authority, wilful failure to comply with the instructions of the district mine inspector to obey the mining laws, or for other just cause. The certificate holder against whom charges are made may appear before the board and defend against the charges, and shall have five days' notice in writing of the charges previous to the hearing.

§ 42. (1) The operator of any mine may adopt special rules consistent with this Act, for the government and operation of his mine, and covering all the work pertaining thereto in and out of the mine. Before the rules are put into effect they shall be approved in writing by the chief of the department. The rules, when adopted and approved in writing by the chief, shall be printed on cardboard in the language spoken by seventy-five per cent or more of the employes at the mine, and shall be posted on a bulletin board or some other conspicuous place about the mine where they may be seen by the employes at the mine. When the rules are so adopted, approved and posted, all employes at the mine shall be deemed to have notice thereof, and to have agreed thereto, and they shall obey the rules.

(2) The mine rules shall be printed in a form prescribed by the chief of the department.

(3) Each mine operator, when requested by an employe, shall furnish him a copy of the mine rules.

§ 43. (1) Each superintendent shall, on behalf and at the expense of the operator, keep on hand at or within convenient distance of the mine a sufficient quantity of all materials and supplies required to preserve the safety of employes, as ordered by the mine foremen and required by law. If the superintendent cannot procure the necessary materials or supplies, he shall at once notify the mine foreman who shall withdraw the men from the mine until the materials or supplies are received.

(2) The superintendnt shall, at least once each week, read and examine carefully and countersign all reports entered in the mine record book of the mine foreman.

(3) The operator or superintendent shall co-operate with the mine foreman and other officials in the fulfillment of their duties under this Act, and shall direct that the mine foreman and all other employes under him comply with the law, especially when his attention is called by the district mine inspector or by the chief of the department to any violations of the laws.

(4) The superintendent shall keep on hand at the mine a supply rules, notices and record books required by this chapter. The record books shall be furnished through the district mine inspector or through the chief of the department, on written request of the operator or superintendent. The superintendent shall see that rules, notices and record books are delivered to the proper persons at the mine and properly cared for, and that the rules and notices are posted in conspicuous places at or near the entrance to the mine and kept legible.

§ 44. (1) The operator or superintendent of every clay and flourspar mine shall furnish the district mine inspector proper facilities for entering the mine and making examinations or obtaining information.

(2) If any inspector discovers that any mine does not conform to the provisions of this Act in respect to appliances for the safety of employes, or that by reason of any defect or practice in or about the mine the lives or health of persons employed therein are endangered, he shall immediately notify the operator or superintendent thereof, orally and in writing, stating the particulars in which he considers the mine to be defective or dangerous, and if he deems it necessary for the protection of the lives and health of the persons employed in the mine, he shall, after giving written notice to the operator or superintendent, immediately notify the chief of the department. The chief shall forthwith summon the operator, superintendent and the district mine inspector to discuss at the mine the unsafe practices, defects or unhealthful conditions in the mine, and, if the chief determines that for the safety of the employes the mine should be closed, he shall forthwith order the mine to be closed until it is placed in a safe and proper condition for mining operations.

(3) The owner or operator of any mine so closed may by petition apply to the circuit court of the county where the mine is located, or to the judge thereof in vacation, for an order directing the mine to be reopened, and the court or judge shall immediately hear and determine the matters arising upon the petition. If, upon full hearing thereof, the court or judge finds that the mine is in a reasonably safe condition, the prayer of the petition shall be granted.

(4) Notice of the hearing shall be given to the district mine inspector and the chief of the department at least three days before the hearing, and in all such hearings the Attorney-General, the Commonwealth's Attorney or the county attorney of the circuit court district or county in which the mine is situated shall appear for the state and defend the action.

§ 45. If seventy-five per cent of the employes of any mine are dissatisfied with the inspection of the mine made by a dis-

trict mine inspector, they may appeal in writing to the Department of Mines and Minerals, setting forth clearly and in detail the reasons for their dissatisfaction. The chief of the department shall carefully consider the appeal and promptly take action by ordering another inspection to be made by the district mine inspector, either alone or in company with another district mine inspector, detailed by the chief for the purpose, if that course appears to him to be warranted by the facts set forth in the appeal, or the chief may take such other action as appears to him to be just and proper. The appeal shall be signed by the dissatisfied persons.

§ 46. (1) The operator or superintendent of each clay or fluorspar mine shall annually not later than January 6, make or cause to be made an accurate map of the workings of the mine, on a scale of one hundred, two hundred, three hundred or four hundred feet to the inch, showing the area mined and the forms of the excavations up to January 1, together with the location and connection of the lines of all adjoining lands within one thousand feet of the excavations, and the name of each owner so far as known, marked on each tract. The operator or superintendent shall deposit a true copy of the map with the chief of the department within forty-five days after January 1, and another copy of the map shall be kept at the office of the mine.

(2) After making and filing the map with the chief, the operator or superintendent thereafter is only required to file annually with the chief, within the time specified, such additional map and statement as is necessary to show the progress of the workings, the amount and forms of excavations and the property lines within one thousand feet of the excavations extended since the date of the preceding map. The chief shall annually, before January 1, give notice that the map is required.

(3) The chief may, if he deems it advisable, require any operator or superintendent to furnish a map other than those

required in subsections (1) and (2), and the operator or superintendent shall immediately comply with the requirements.

§ 47. If the operator or superintendent of any clay or fluorspar mine fails to furnish to the chief of the department any map required by § 46 of this Act, the chief may cause a correct survey and map of the mine or extensions thereof to be made at the expense of the owner, lessee or operator of the mine, and the cost of the map shall be recoverable from the owner, lessee or operator in the same manner as debts are recoverable by law. If at any time the chief has reason to believe that any map furnished under §46 of this Act is incorrect, so that it will not serve the purpose for which it was intended, he may have a survey and map made or corrected, and the expense of making the survey, map or correction shall be paid by the owner, lessee or operator of the mine, or recovered in the same manner as debts are recoverable by law; but if the map furnished by the operator or superintendent is found to be correct, the expense of the survey and drafting of the map shall be paid by the state.

§ 48. (1) The correctness of each map provided for by §§ 46 or 47 of this Act shall be certified by the person making the map, as follows:

"I, the undersigned, hereby certify that this map is correct, shows to the best of my knowledge and belief all the information required by the mining laws of this state, and covers the period ending ..... Engineer.

"Acknowledged before me, a ....., this..... day of ...."

.....

.....

(2) The chief of the department may reject any map as incomplete if its accuracy is not so attested.

§ 49. (1) Before removing any clay or fluorspar or other material or driving any entry or passageway within five hundred feet of any natural gas or petroleum well, or before extending the workings in any clay or fluorspar mine beneath any tract of land on which such wells are also drilled, or within five hundred feet of any such well or under any tract of land in visible possession of a well operator, the clay or fluorspar operator shall forward simultaneously to the well operator and to the Department of Mines and Minerals, by registered mail, a copy of the maps and plans required by law to be filed and kept up to date, showing on the copy of the map or plan its mine workings and projected mine workings beneath the tract of land and within five hundred feet of its outer boundaries. The clay or fluorspar operator may then proceed with his mining operations in the manner indicated on the copy of the map or plan, but if the conduct of his mining operations nearer than five hundred feet to any such well, whether completed or being drilled, or to any proposed well where a derrick is being constructed for drilling, or proposed well, will endanger the use or drilling of the well, the well owner or operator affected may within five days from the receipt of the copy of the map by him and the department, file specific objections in writing to the mining operations within less than five hundred feet of the well, and if the objection is so filed the department shall notify the clay or fluorspar operator of the character of the objections and fix a time and place for a hearing not more than ten days from the end of said five-day period. At the hearing the clay or fluorspar operator and the well operator, or such of them as are present or represented, shall proceed to consider the objections and agree upon the character and extent of operations to be conducted within less than five hundred feet of the well so as to satisfy the objections raised and meet the approval of the department, after a full hearing, shall make a decision defining what clay and fluorspar, if any, is necessary to be left for the safe protection of the use and operation of the well. The decision shall be subject to appeal by either party as provided in

§ 4 of this Act. The department shall keep a complete record of all such hearings.

(2) The clay and fluorspar operator shall, at least every six months, bring up to date the maps and plans required by this section, or file new maps and plans complete to date.

§ 50. Sections 352.560 through 352.610, and subsection (20) of section 342.990, of the Kentucky Revised Statutes of 1942, are repealed.

§ 51. (1) Any clay or fluorspar operator who violates any of the provisions of section twelve of this Act shall be fined not less than twenty-five nor more than two hundred dollars.

(2) Any person who violates any of the provisions of subsection (1) of section thirteen of this Act shall be fined not less than twenty-five nor more than two hundred dollars.

S. B. 101. An Act to repeal and re-enact Sec. 183.020 of the Kentucky Revised Statute of 1942.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 183.020 of the Kentucky Revised Statute of 1942 be amended and reenacted so that said section as amended shall read as follows:

183.020 Kentucky Aeronautics Commission; Members; Qualifications; Terms.

(1) There shall be a Kentucky Aeronautics Commission. The Commission shall be composed of the Governor and six (6) members appointed by the Governor. The appointed members

shall be selected equally from the two political parties casting the highest and next highest number of votes at the last preceding general election. The Governor shall be Exofficio Chairman of said commission and no grant of airways or air terminal shall be valid until the same has his written approval.

(2) The term of office of the original appointed members shall expire as designated by the Governor at the time of the appointment, two (2) at the end of the first year, two (2) at the end of the second year and two (2) at the end of the third year. The two members appointed at the same time shall be members of different political parties.

(3) The term of office of the successors of the original appointees shall be four (4) years and until their successors are appointed and qualified. Appointments to fill vacancies shall be for the unexpired term.

(4) All members shall be at least twenty-five (25) years of age and at least two members, without regard to their political affiliation, shall not be identified with any airway rights or airway terminals granted before or after their respective appointment.

The provisions hereof shall not be applicable to airways in existence at time of the effective date hereof.

S. B. 150. An Act relating to escheated, abandoned and unclaimed property.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Subsection (1) of section 393.110 of the Kentucky Revised Statutes is amended to read as follows:

(1) It shall be the duty of all state and National banks, trust companies, or other persons, and courts of this Commonwealth or the agents thereof, whether holding estates or property as bailee, depository, debtor, trustee, executor, liquidator, administrator, distributor, receiver or in any other capacity coming within the purview of KRS 393.060 to 393.100, to report annually to the department as of July 1, all property held by them declared by this chapter to be presumed abandoned. The report shall be filed in the office of the department on or before September 1 of each year for the preceding July 1, and shall give the name of the owner, his last known address, the amount and kind of property, and such other information as the department may require for the administration of this chapter. The report shall be made in duplicate; the original shall be retained by the department, and the copy shall be mailed to the sheriff of the county where the property is located or held. It shall be the duty of the sheriff to post said copy on the courthouse door or the courthouse bulletin board, and also to publish said copy in at least two issues of a newspaper published in the county seat or, if no newspaper is published in the county seat, then in a newspaper of general circulation in the county. The list shall be published within thirty days of its receipt by the sheriff. The cost of the publication shall be paid by the state. The sheriff shall immediately certify in writing to the department the dates when the list was posted and published. The list shall be posted and published as required on or before October 1 of the year when it is made, and such posting and publishing shall be constructive notice to all interested parties and shall be in addition to any other notice provided by statute or existing as a matter of law.

§ 2. Section 287.410 of the Kentucky Revised Statutes is repealed.

S. B. 156. An Act relating to the compensation, travel allowance and stationery allowance of members and officers of the General Assembly.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 6.190 of the Kentucky Revised Statutes is amended to read as follows:

Each senator and representative shall receive fifteen dollars a day during his attendance on, and fifteen cents per mile for necessary travel in going to and returning from, the sessions of the General Assembly.

§ 2. Section 6.200 of the Kentucky Revised Statutes is amended to read as follows:

The President of the Senate and Speaker of the House of Representatives shall each receive twenty dollars per day while attending the sessions of their respective bodies.

§ 3. Section 6.220 of the Kentucky Revised Statutes is amended to read as follows:

In lieu of stationery, there shall be allowed to each member of the General Assembly, including the Lieutenant Governor, the sum of $50.00. This allowance shall be paid out of the State Treasury at the beginning of the session.

§ 4. The amendments made by this Act shall not apply to any present officers or members of the General Assembly during the terms for which they were elected.

Ordered that said bills be printed and referred to Committee on Rules.

And that they had passed bills which originated in this House, entitled:

H. B. 283. An Act relating to county tax commissioners.

H. B. 202. An Act relating to individuals exempt from poll tax.

H. Res. 33. Resolution for the benefit of Mrs. Gertie Gresham, etc.

H. B. 276. An Act to enable any city to establish, maintain and use a public works cumulative reserve fund.

H. B. 314. An Act to regulate, control and fix standard weights of wheat flour.

H. B. 313. An Act relating to teaching of the conservation and preservation of natural resources in public schools.

H. B. 325. An Act relating to the payment of jurors.

H. B. 333. An Act relating to deputy sheriffs.

H. B. 233. An Act relating to boding and wrestling.

H. B. 94. An Act relating to the compensation of justices and commissioners for serving on Fiscal courts and committees thereof.

H. B. 155. An Act relating to assessment of property for taxation.

H. B. 5. An Act relating to registration fees for motor vehicles.

H. B. 259. An Act relating to narcotic drugs.

H. B. 330. An Act relating to record books required by circuit and county clerks.

H. B. 199. An Act relating to the operation of games of chance and gambling devices at State Fair.

H. B. 213. An Act relating to local health units.

H. B. 252. An Act relating to fire protection.

H. B. 294. An Act relating to compensation for circuit clerks.

H. B. 306. An Act relating to publication of financial statements of governmental units.

H. B. 274. An Act relating to water districts.

H. B. 194. An Act to amend Sec. 132.630 KRS.

H. B. 219. An Act relating to Fish and Game.

H. B. 307. An Act to promote the public welfare, comfort, health and safety by providing supplemental transportation along highways.

H. Res. 11. Resolution authorizing S. S. Oldfield to sue the Commonwealth.

H. Res. 32. Resolution establishing a Youth Guidance Commission.

Ordered that said bills and resolutions be delivered to the Enrolling Clerk of this House.

And that they had reconsidered and returned to this House a bill entitled:

H. B. 178. An Act to create the office of assistant Commonwealth's Attorney in Judicial Districts having a population of less than 200,000.

With amendments thereto as proposed and adopted by the Senate.

(For bill see House Journal of February 29.)

Said amendments as proposed and adopted by the Senate are as follows, viz.:

Amend H. B. 178 in Senate on page 2, section 2, line 9 by striking the words "ten days" and inserting in lieu thereof the words "sixty days after the effective date of this Act."

Amend H. B. 178 in Senate on page 2, section 2, line 7 by striking the period and inserting in lieu thereof a semicolon and adding the words "or a letter, telegram or cablegram so filed by him"

Said amendments were then concurred in.

Said bill was then passed, as amended.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

F. H. Bassett, Jr.	Dr. J. C. Gabbard	G. M. Knuckles
W. G. Biggers	Franklin Goins	A. L. Love
J. C. Bradley	R. M. Hall	Johnston Miller
Willis Champion	Clyde S. Howard	J. Lee Moore
A. Roy Copeland	Jerry F. Howell	L. D. Moore
Marvin Cornett	J. J. Huff	W. B. Moser
John Henry Cox	W. H. Hunt	C. Sid Nabb
John P. Craig	Lee Johnson	H. C. Patterson
Fred Creasey	Paul S. Jonas	Chester Peterson
Thomas S. Dawson	Wm. E. Justice	Albert W. Pfeiffer
J. R. Dorman	H. Clay Kauffman	Sylvester Phillips
Bernie S. Edlin	M. Kavanaugh	L. W. Preston

Kleber F. Price	Vernon Seaton	Egbert V. Taylor
Edw. P. Prichard	Leon J. Shaikun	H. Thieman, Jr.
James E. Quill	Robt. J. Spaulding	Otis C. Thomas
C. R. Reeves	E. A. Spencer	E. B. Thompson
L. Allen Rhoads	Arthur Stallard	John L. Trumbo
H. G. Royalty	Geo. W. Steinford	Taylor Witt
Amos Runyon	Joe Stewart	
F. W. Schuhmann	Thos. M. Swope	—58

Mr. Quill moved that the vote by which said bill was passed, as amended, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Enrolling Clerk of this House.

At the instance of the Committee on Rules, the following bills were reported, viz.:

S. B. 19. An Act relating to the registration and purgation of voters.

S. B. 34. An Act to make it unlawful for any two or more insurance companies, writing the same class or classes of risks and doing busines in this Commonwealth to enter into arrangement, contract, etc.

S. B. 124. An Act relating to compensation of reporters for Circuit Courts of continuous session in counties having a population of less than 150,000.

S. B. 146. An Act to provide a stenographer for the Commonwealth's Attorney in counties containing a city of the second class.

S. B. 149. An Act relating to public health with particular relation to pharmacists.

S. B. 151. An Act providing for the transfer of funds remaining after toll bridges in projects 9, 10, 12 and 14 were freed, etc.

S. Res. 35. Resolution authorizing Jerry Hall to sue the Commonwealth.

S. Res. 43. Resolution authorizing payment of a claim to Charles C. Waggoner as sheriff of Graves County.

S. Res. 44. Resolution memoralizing Congress to pass a law enabling ceiling prices on fluorspar to be increased.

S. B. 29. An Act relating to the Department of Law.

S. B. 28. An Act relating to the Department of Revenue.

S. B. 135. An Act relating to the mining of clay fluorspar.

S. B. 101. An Act to repeal and re-enact Section 183.020 KRS.

S. B. 150. An Act relating to escheated, abandoned and unclaimed property.

S. B. 156. An Act relating to compensation, travel, etc., for members of the General Assembly.

With the expression of opinion that said bills and resolutions ought to pass.

Said bills and resolutions were each and severally read at length the first time and ordered to be placed on the Calendar.

At the instance of the Commitee on Rules, the House took up for consideration from the Calendar bills of the following titles, viz.:

S. B. 95. An Act relating to housing for persons in National Defense Work.

S. B. 118. An Act relating to veterans of the World Wars.

S. B. 127. AnAct relating to the operation of electric and water systems and facilities by cities of the second and third classes.

S. B. 129. An Act to impose additional liability upon insurance companies and other corporations.

S. B. 144. An Act relating to the purchase of liability and compensation insurance by counties, etc.

S. Res. 36. Resolution authorizing A. B. Boyd to sue the Commonwealth.

S. Res. 38. Resolution authorizing the payment of a claim against the Commonwealth to the Waldrup Provisions Co.

S. Res. 41. Resolution providing for the payment of ministers of the churches of Frankfort.

H .B. 408. An Act relating to inheritance taxes.

Ordered that said bills and resolutions be read the second time.

The Constitutional provision as to the third reading of said bills and resolutions at length having been dispensed with, said bills and resolutions were read the second time by their titles only.

Ordered that said bills and resolutions be placed in the Orders of the Day.

Mr. Quill moved that when the House adjourn today, it adjourn to meet again on Monday, March 13 at 7:30 P. M.

Said motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 410. An Act relating to game and fish.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Subsection (1) of section 150.490 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person shall take mussels for commercial purposes without a license issued by the director, except that no license shall be required to take mussels from the Tennessee River above the Kentucky Dam, and the provisions of KRS 150.500 to 150.520 shall not apply to the taking of mussels from the Tennessee River above the Kentucky Dam.

§ 2. Whereas, the Tennessee River above the Kentucky Dam is about to be flooded, causing a cessation of musseling operations, an emergency is declared to exist and this Act shall take effect upon its passage and approval by the Governor.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

F. H. Bassett, Jr.	M. Kavanaugh	James E. Quill
W. G. Biggers	G. M. Knuckles	C. R. Reeves
Isaac Blevins	J. T. Linton	L. Allen Rhoads
Chas. W. Burnley	Homer E. Losey	H. G. Royalty
A. Roy Copeland	A. L. Love	Amos Runyon
Marvin Cornett	Johnston Miller	F. W. Schuhmann
John Henry Cox	Harry L. Moore	Vernon Seaton
John P. Craig	J. Lee Moore	Leon J. Shaikun
Fred Creasey	L. D. Moore	Robt. J. Spaulding
J. R. Dorman	W. B. Moser	E. A. Spencer
T. H. Dyer	Coy C. Nevitt	Arthur Stallard
Franklin Goins	Joe E. Nunn	Geo. W. Steinford
R. M. Hall	H. C. Patterson	Joe Stewart
Clyde S. Howard	Chester Peterson	Thos. M. Swope
Jerry F. Howell	Albert W. Pfeiffer	Egbert V. Taylor
J. J. Huff	Sylvester Phillips	H. Thieman, Jr.
W. H. Hunt	J. Gip Prather	Otis C. Thomas
Lee Johnson	L. W. Preston	E. B. Thompson
Paul S. Jonas	Kleber F. Price	John L. Trumbo
H. Clay Kauffman	Edw. P. Prichard	Taylor Witt

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Resolved that the title thereof be as aforesaid.

Mr. Quill moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 285. An Act relating to elections, with particular reference to corrupt practices.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 124.340 of the Kentucky Revised Statutes is amended to read as follows:

No prosecution shall be had under the election laws where the penalty is less than confinement in the penitentiary unless the prosecution is commenced within two years from the time of the commission of the offense, except that prosecutions under KRS 123.990 may be commenced within five years from the time of the commission of the offense.

§ 2. Section 123.050 of the Kentucky Revised Statutes is amended to read as follows:

(1) Candidates for nomination or election to any state, county, city or district office may make expenditures, or expenditures may be made for them, for the purpose of employing and paying clerks and stenographers, for printing and advertising, for securing suitable halls for public speaking, for suitable headquarters, for stationery and stamps, and for actual traveling expenses, within the limits prescribed by this section.

(2) No candidate for nomination to any of the following offices in a primary election or before a party convention shall expend, including in his expenditures the amounts expended

on his behalf by others, more than the amount set opposite the office in the following table, nor shall an equal amount be exceeded in the final election:

(a)	Governor,	$25,000
(b)	Office from the state at large other than Governor,	7,500
(c)	Judge of the Court of Appeals or Railroad Commissioner,	3,000
(d)	State senator,	1,000
(e)	State representative,	750
(f)	Circuit judge or Commonwealth's attorney,	2,500
(g)	County office in county having city of first class,	2,500
(h)	County office in county having city of second class,	2,000
(i)	County office in county having city of third class,	1,500
(j)	County office in county not having city of first, second or third class,	1,500
(k)	City office in city of first class,	5,000
(l)	Office other than those enumerated in paragraphs (a) to (k),	500

§ 3. Section 123.060 of the Kentucky Revised Statutes is amended to read as follows:

(1) Every candidate for nomination at any caucus, convention or primary election to any state, county, city or district office shall, on the fifteenth day before the date for making the nomination, file a statement in writing, subscribed and sworn to by him, setting forth in detail all sums of money or other things of value contributed, disbursed, expended or promised by him, and to the best of his knowledge and belief by any person on his behalf, wholly or in part endeavoring to secure his nomination to such office, and all sums of money contri-

buted, disbursed, expended or promised by him in support and in connection with the nomination of any other person to be voted for at the same time. The statement shall set forth in detail each item of contribution or expenditure, and shall show the dates when, the persons to whom, and the purpose for which all such sums were paid, expended or promised. The statement shall further show in detail all sums of money or other things of value contributed, given or paid to the candidate or to the best of his knowledge and belief to any person on his behalf, for the purpose of furthering his candidacy, and shall show the date and the person from whom each such contribution, gift, or payment was received. In case of nominations to be made at a primary election, the statement shall be filed with the officer with whom nomination papers must be filed. In the case of nominations to be made by caucus or convention, the statement shall be filed with the Secretary of State when the office is for the state at large or for a district larger than one county, and with the county clerk when the office is for a county or a district less than one county. The candidate shall subscribe before some officer qualified to administer oaths, and file with the statement the following oath:

"I do solemnly swear that the statement herewith filed embraces all money received and spent by me, or on my behalf with my knowledge by any person for me; that I have neither directly nor indirectly arranged for or encouraged the spending of any money other than as shown in my statement; that I have not repaid any money so spent or claimed to have been spent, and that I will not do so, and that I have not violated any of the provisions of KRS 123.010 to 123.110 in letter or in spirit."

§ 4. Section 123.080 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person shall act as a campaign committee or campaign manager for any candidate for nomination or

election to any public office in this state unless he has been designated as such committee or manager by the candidate by a written designation filed in the same office that the candidate's nomination papers are required to be filed. In the case of a committee consisting of more than one member each of the members must be so designated, and in the case of a committee or manager acting for more than one candidate each of the candidates must make the designation. No person shall expend, disburst or contribute any money or other thing of value on behalf of the candidacy of another person for any public office in this state, or accept or receive any money or other thing of value for such purpose, unless he has been designated as campaign committee or campaign manager as above provided, or has been designated as an agent of such campaign committee or manager by a written designation filed in the same manner as the designation of the committee or manager, by the candidate. In any civil action or civil prosecution under this chapter the acts of every member of the designated campaign committee or campaign manager shall be presumed to be with the knowledge and approval of the candidate, unless it has been clearly proved that the candidate did not have knowledge of and approve the same and that, in the exercise of reasonable care and diligence he could not have had knowledge of or opportunity to disapprove the same.

(2) Any campaign committee or campaign manager, and every committee or individual managing or paying the expenses or contributing to the expenses of a campaign for the adoption or rejection of any question submitted to the people for their approval or rejection at any election, shall make out statements in the same manner and form as those provided for in KRS 123.060 and 123.070. The statements shall be verified by the campaign manager or by a member of the committee. Such statements relating to the candidacy of a person or group of persons shall be filed at the same times

and with the same officers as the candidates are required to file their statements under KRS 123.060 and 123.070. Such statements relating to public questions shall be filed on the fifteenth day before the day of election on the question, and within thirty days after the day of election, with the chairman of the canvassing board authorized to certify the results of the election.

§ 5. A new section of the statute is created, to be numbered KRS 123.035 and to read as follows:

(1) No person shall receive or accept any contribution, payment, promise, loan or gift from any corporation or individual who is prohibited by KRS 123.010, 123.020 and 123.030 from making the same.

(2) Any person who violates subsection (1) of this section shall be fined not less than two hundred and fifty dollars nor more than one thousand dollars or imprisoned in the county jail for not less than three months nor more than one year.

§ 6. Subsection (9) of Section 122.990 of the Kentucky Revised Statutes is amended to read as follows:

(9) Any person who violates any of the provisions of KRS 123.050 shall be fined not less than one hundred dollars nor more than one thousand dollars, or imprisoned in the county jail for not less than one month nor more than one year, or both.

§ 7. Subsection (10) of Section 123.990 of the Kentucky Revised Statutes is amended to read as follows:

(10) Any person who violates any of the provisions of KRS 123.060 or 123.070 shall be fined not less than one hundred dollars nor more than one thousand dollars, or im-

prisoned in the county jail for not less than one month nor more than one year, or both.

Mr. Howard offered the following amendments to said bill, viz.:

Amend H. B. 285 on page 2, section 3, line 1 by inserting before the word "Section", the words "subsection (1) of"

Amend H. B. 285 on page 4, section 4, line 20 by striking the word "civil" and inserting in lieu thereof the word "criminal"

Amend H. B. 285 on page 4, section 4, line 19 by striking the comma after the word "manager"

Amend H. B. 285 on page 4, section 4, line 12 by striking the words "disburst or contribute" and inserting in lieu thereof the words "or disburse"

Said amendments were each and severally agreed to.

Mr. Shaikun offered the following amendment to said bill, viz.:

Amend H. B. 285 on page 2, section 2, line 15a by striking out "$25,000" and inserting "$100,000"

Said amendment was agreed to.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with and the same having been engrossed, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

F. H. Bassett, Jr.	J. T. Linton	C. R. Reeves
W. G. Biggers	A. L. Love	H. G. Royalty
J. C. Bradley	Johnston Miller	F. W. Schuhmann
Chas. W. Burnley	Harry L. Moore	Vernon Seaton
Willis Champion	J. Lee Moore	Leon J. Shaikun
A. Roy Copeland	L. D. Moore	Faust Y. Simpson
Fred Creasey	W. B. Moser	Robt. J. Spaulding
Thomas S. Dawson	C. Sid Nabb	E. A. Spencer
Bernie S. Edlin	Jno. C. Newcomb	Geo. W. Steinford
Harry W. Ennis	H. C. Patterson	Joe Stewart
R. M. Hall	Chester Peterson	Thos. M. Swope
Claude Hammons	Albert W. Pfeiffer	Egbert V. Taylor
Clyde S. Howard	Sylvester Phillips	H. Thieman, Jr.
W. H. Hunt	I. W. Preston	Otis C. Thomas
Lee Johnson	Kleber F. Price	John L. Trumbo
Paul S. Jonas	Edw. P. Prichard	Harry F. Walters
M. Kavanaugh	James E. Quill	R. E. West

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Those who voted in the negative were—

Isaac Blevins	T. H. Dyer	Amos Runyon
Marvin Cornett	Wm. E. Justice	Arthur Stallard
John Henry Cox	H. Clay Kauffman	E. B. Thompson
John P. Craig	Coy C. Nevitt	Taylor Witt
J. R. Dorman	J. Gip Prather	

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Resolved that the title thereof be as aforesaid.

Mr. Quill moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 192. An Act to amend by repealing and re-enacting KRS 436.420 which prescribes fine and punishment for the owners and publishers of newspapers advertising lotteries, drawings, or schemes of chance by specifically exempting therefrom advertisements of bingo, drawings, and other schemes of chance given for and managed by religious, charitable and eleemosynary organizations and institutions, and by organizations of war veterans, volunteer fire departments, and by lodges and fraternal organizations in the lodge rooms.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That KRS 436.420, pertaining to the advertising of lotteries in newspapers and magazines and prescribing fine and punishment therefor, be, and the same hereby is, repealed and re-enacted to read as follows:

§ 436.420 KRS (1314; 1316) Advertising lotteries in newspapers and magazines.

(1) The publisher or owner of any newspaper, magazine, sheet or periodical published and circulated in this state which prints or publishes, any advertisement of any lottery, drawing or scheme of chance or any announcement indicating where any ticket or chance thereon can be procured, or which prints, advertises, circulates or publishes any matter, announcement or statement in anywise concerning any lottery, drawing or scheme of chance, whether it is an advertisement of a lottery, drawing or scheme of chance that will occur in the future, that has occurred in the past or that it is usual or customary to hold

at any given time, and whether the lottery, drawing or scheme of chance is held in this state or elsewhere, or which prints, advertises, circulates or publishes any announcement or statement of the result, in whole or in part, of any lottery, drawing or scheme of chance, shall be fined not less than one thousand dollars nor more than five thousand dollars, and imprisoned for not less than thirty nor more than sixty days, *provided, however, that newspaper advertisements of bingo, drawings and other schemes of chance given for and managed by religious, charitable, and eleemosynary organizations and institutions, and by organizations of war veterans and volunteer fire departments, and by lodges for bingoes given in the lodge home, shall not come within the purview of this statute, and the publication of advertisements therefor is permissible.*

(2) If a newspaper, magazine, sheet or periodical which prints or publishes matter prohibited by subsection (1) of this section is owned by a corporation, the corporation shall be fined as provided in subsection (1) of this section, and either the president or the managing officers of the corporation, or both, shall be imprisoned as provided by subsection (1) of this section in the case of an individual.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

F. H. Bassett, Jr.	A. Roy Copeland	J. R. Dorman
W. G. Biggers	Marvin Cornett	T. H. Dyer
Isaac Blevins	Fred Creasey	Harry W. Ennis
Chas. W. Burnley	Thomas S. Dawson	R. M. Hall

Claude Hammons	Coy C. Nevitt	Leon J. Shaikun
Jerry F. Howell	Jno. C. Newcomb	Faust Y. Simpson
W. H. Hunt	Joe E. Nunn	E. A. Spencer
Lee Johnson	H. C. Patterson	Geo. W. Steinford
Paul S. Jonas	Chester Peterson	Thos. M. Swope
Wm. E. Justice	Albert W. Pfeiffer	Egbert V. Taylor
M. Kavanaugh	Sylvester Phillips	H. Thieman, Jr.
A. L. Love	Kleber F. Price	Otis C. Thomas
Harry L. Moore	Edw. P. Prichard	E. B. Thompson
J. Lee Moore	James E. Quill	John L. Trumbo
L. D. Moore	H. G. Royalty	Harry F. Walters
W. B. Moser	F. W. Schuhmann	R. E. West
C. Sid Nabb	Vernon Seaton	Taylor Witt

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Those who voted in the negative were—

J. T. Linton	Robt. J. Spaulding	Arthur Stallard
Amos Runyon		

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Resolved that the title thereof be as aforesaid.

Mr. Quill moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

H. B. 28. An Act relating to the organization and functions of the Department of Agriculture, Labor and Statistics, including provisions as to the membership, appointment, control and functions of the various officers, boards and agencies attached and to be attached to said department.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 247.090 of the Kentucky Revised Statutes is amended to read as follows:

(1) The State Fair Board shall be composed of eight members, as follows:

(a) The Commissioner of Agriculture, Labor and Statistics.

(b) The Dean of the College of Agriculture of the University of Kentucky; and

(c) Six members appointed from the State at large by the Governor, at least one of whom shall be a member of the Kentucky Farm Bureau Federation.

(2) The members appointed by the Governor shall be appointed for terms of four years each, beginning at the expiration of the terms of the members of the board whose terms expire as follows: two in 1942; two in 1944; and two in 1945.

§ 2. Section 247.110 of the Kentucky Revised Statutes is amended to read as follows:

The Commissioner of Agriculture, Labor and Statistics shall be chairman and executive officer of the State Fair Board.

§ 3. Section 247.130 of the Kentucky Revised Statutes is amended to read as follows:

The Commissioner of Agriculture, Labor and Statistics shall be the executive officer of the State Fair Board. He may employ such members and agents as the board deems necessary for the conduct of its affairs and those of the State Fair. He may fix the duties and compensation of any such member or agent, and may require such members and agents to give bond

for the faithful performance of their duties, the premium on the bonds to be paid out of the funds of the State Fair Board. He may delegate the management of the State Fair or the State Fair grounds to any member or agent.

§ 4. Section 247.140 of the Kentucky Revised Statutes is amended to read as follows:

(1) The State Fair Board shall:

(a) Have the custody and control of the State Fair Grounds, including the buildings and equipment, and may erect and repair buildings on the grounds and make any and all necessary or proper improvements;

(b) Hold an annual fair on the grounds, for the exhibition of agricultural, mechanical, horticultural, dairy, forestry, poultry, livestock, mineral and all other industrial interests of the State; and

(c) Prepare premium lists and establish rules of exhibition for the Fair.

(2) It may take and hold property by deed, gift, devise or bequest, for State Fair purposes.

§ 5. Section 247.150 of the Kentucky Revised Statutes is amended to read as follows:

The Commissioner of Agriculture, Labor and Statistics may arrange with the county judge or the officer who has charge of the police force of any county or city in which the State Fair is held, for the purpose of policing the State Fair Grounds by the State police, and may arrange with the State for the policing of the State Fair Grounds; and he may appoint special police to police properly the State Fair Grounds, and fix their compensation for their services. Such police officers shall have the powers and be charged with the duties of peace officers.

§ 6. Section 247.160 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Commissioner of Agriculture, Labor and Statistics shall have exclusive control of concessions, exhibitions, shows, entertainments and attractions at every place on the State Fair Grounds; or he may delegate such control to any employe or agent.

(2) The State Fair Board shall have a prior lien upon the property of any concessionaire, exhibitor or person, immediately upon its coming or being brought on the grounds, to secure existing or future indebtedness.

(3) The Commissioner of Agriculture, Labor and Statistics may sell the property to satisfy the indebtedness after giving ten days notice to the owner or agent of the owner, or, if notice cannot be given to the owner, after notice is posted for ten days in the office of the State Fair Board on the grounds, announcing that the property is to be sold. The Commissioner, or his designated employe or agent, may bid and buy in the property offered for sale for the use and benefit of the State Fair.

§ 7. Section 257.210 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Commissioner of Agriculture, Labor and Statistics shall appoint the State Veterinarian.

(2) The State Veterinarian shall be a resident of this State and a licensed graduate veterinarian who has practiced veterinary medicine continuously in this State for two years prior to his appointment.

(3) The State Veterinarian shall serve for a term of four years and until his successor has been appointed and has qualified, unless sooner removed by the Commissioner.

(4) The office of the State Veterinarian shall be in the Department of Agriculture at the State Capitol.

§ 8. Section 257.220 of the Kentucky Revised Statutes is amended to read as follows:

The State Veterinarian shall receive no compensation from any source whatever for his official services other than his salary, which shall be fixed by the Commissioner of Agriculture, Labor and Statistics, but he shall be reimbursed for necessary expenses incurred in the discharge of his official duties.

§ 9. Section 257.230 of the Kentucky Revised Statutes is amended to read as follows:

The State Veterinarian shall be the executive agent of the board in the enforcement of this chapter, shall execute and enforce the regulations of the board made for the enforcement of this chapter, and, under the direction of the board and the commissioner, shall supervise and control the action of all deputies, inspectors, agents and specialists employed by the board. He shall devote his entire time to the duties of his office. He shall recommend from time to time such changes in the regulations of the board, as he deems necessary, and do all other things necessary and proper for the successful enforcement of this chapter.

§ 10. Section 257.240 of the Kentucky Revised Statutes is amended to read as follows:

(1) Upon the recommendation of the State Veterinarian, the Commissioner may, within his discretion, appoint a Deputy State Veterinarian.

(2) He shall hold office for a term of four years and until his successor has been elected and qualified, unless sooner removed by the Commissioner.

(3) He shall be a resident of this State, and a licensed graduate veterinarian who has practiced veterinary medicine continuously within this State for a period of two years prior to his appointment.

(4) He shall receive an annual salary fixed by the Commissioner of Agriculture, Labor and Statistics. He shall also be reimbursed the necessary expenses incurred in the discharge of his official duties.

§ 11. Section 257.270 of the Kentucky Revised Statutes is amended to read as follows:

The Commissioner of Agriculture, Labor and Statistics may employ veterinarians for the purpose of carrying out the provisions of this chapter, and may fix their compensation at not to exceed ten dollars per diem and necessary expenses incurred in the discharge of their official duties.

Mr. J. Lee Moore offered the following amendment to said bill, viz.:

Amend H. B. 28 by striking all of said bill following the enacting clause and inserting in lieu thereof the following:

Section 247.140 of the Kentucky Revised Statutes is amended to read as follows:

(1) The State Fair Board shall:

(a) Have the custody and control of the State Fair Grounds, including the buildings and equipment, and may erect and repair buildings on the grounds and make any and all necessary or proper improvements;

(b) Hold an annual fair on the grounds, or any place designated by the State Fair Board, for the exhibition of agricultural, mechanical, horticultural, dairy, forestry, poultry,

livestock, mineral and all other industrial interests of the State; and

(c) Prepare premium lists and establish rules of exhibition for the Fair.

(2) It may take and hold property by deed, gift, devise or bequest, for State Fair purposes.

(3) Wherever the term "State Fair Grounds" is used in KRS 247.150 and 247.160 it shall include any grounds upon which the State Fair Board holds an annual fair.

Said amendment was agreed to.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with and the same having been engrossed, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

F. H. Bassett, Jr.	J. R. Dorman	M. Kavanaugh
W. G. Biggers	T. H. Dyer	J. T. Linton
Isaac Blevins	Bernie S. Edlin	A. L. Love
Chas. W. Burnley	Claude Hammons	Johnston Miller
A. Roy Copeland	Clyde S. Howard	Harry L. Moore
Marvin Cornett	Jerry F. Howell	J. Lee Moore
John Henry Cox	J. J. Huff	L. D. Moore
John P. Craig	W. H. Hunt	W. B. Moser
Fred Creasey	Lee Johnson	C. Sid Nabb
Thomas S. Dawson	H. Clay Kauffman	Coy C. Nevitt

Jno. C. Newcomb	C. R. Reeves	Geo. W. Steinford
Joe E. Nunn	H. G. Royalty	Joe Stewart
H. C. Patterson	Amos Runyon	Thos. M. Swope
Chester Peterson	F. W. Schuhmann	Egbert V. Taylor
Albert W. Pfeiffer	Vernon Seaton	H. Thieman, Jr.
J. Gip Prather	Leon J. Shaikun	Otis C. Thomas
L. W. Preston	Faust Y. Simpson	E. B. Thompson
Kleber F. Price	Robt. J. Spaulding	John L. Trumbo
Edw. P. Prichard	E. A. Spencer	R. E. West
James E. Quill	Arthur Stallard	Taylor Witt

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At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 67. A resolution authorizing the payment of costs and attorneys' fees in the contest case of Spillman vs. Phillips.

Said resolution is as follows, viz.:

WHEREAS, During the 1944 regular session of the House of Representatives of the Commonwealth of Kentucky, a contest was filed by Charles L. Spillman, Contestant, against Sylvester Phillips, Contestee, arising out of the November election held in the Thirty-eighth Legislative District in Jefferson County, and,

WHEREAS, This contest was duly presented to the House of Representatives for its consideration, and,

WHEREAS, A Contest Committee was selected by lot to consider and decide the contest, and,

WHEREAS, Said Contest Committee, with the agreement of the parties involved, employed the Honorable Jasper F. Hagan to act as Special Commissioner in helping consider the contest, and,

WHEREAS, after due consideration by this Committee and by vote of the House it was decided that the Honorable Sylvester Phillips, Contestee, was entitled to represent the Thirty-eighth Legislative District in the House.

Now, Therefore: Be it resolved by the House of Representatives of the Commonwealth of Kentucky:

That there is hereby appropriated out of the Legislative Fund the sum of $200.00 to the Honorable Jasper F. Hagan, as his fee and expenses as Special Commissioner; to the Honorable Thomas Dawson, as attorney for the Contestee, the sum of $100.00; to the Honorable David McAfee and Honorable Simeon Jacobs, as attorneys for the Contestant, the sum of $100.00; to Charles L. Barker, tabulator for the Contestant for services rendered, the sum of $15.00; to J. W. Becker, tabulator for the Contestee for services rendered the sum of $15.00; to Ray Thompson, box carrier for the Commissioner, for his services $15.00; to Honorable Faust Y. Simpson, as attorney for the Contest Committee, the sum of $25.00, for his services; and the Commissioner of Finance is hereby directed to draw his warrants upon the Treasurer in favor of the above mentioned parties for the amounts above specified.

Mr. J. Lee Moore offered the following amendment to said resolution, viz.:

Amend H. Res. 67 by adding the following after last line of said resolution:

There is further appropriated out of the Legislative Fund, for costs and expenses in the contest case of Allen Scott Hamilton vs. Henry Thieman, Jr., the sum of $200.00 to the Honorable Cyril C. Sehlinger as his fee and expenses as special commissioner; to the Honorable Harold Marquette, as attorney for Contestee, the sum of $100.00; to the Honorable Earl Frankenberger, as attorney for Contestant the sum of $100.00;

to Mrs. M. Kesselring, tabulator, for services rendered, the sum of $15.00; to John Herbold, tabulator, for services rendered, the sum of $15.00; to Ray Thompson, box carrier for commissioner, for services rendered, the sum of $15.00; to Charles Dahringer, guard, for services rendered, the sum of $10.00; to E. T. Beisler, guard, for services rendered, the sum of $5.00; and the Commissioner of Finance is hereby directed to draw his warrants upon the Treasurer in favor of the above mentioned parties for the amounts above specified.

Said amendment was agreed to.

Ordered that said resolution be engrossed and read the third time.

The Constitutional provision as to the third reading of said resolution at length having been dispensed with and the same having been engrossed, said resolution was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

F. H. Bassett, Jr.	Claude Hammons	Johnston Miller
W. G. Biggers	Clyde S. Howard	Harry L. Moore
Isaac Blevins	Jerry F. Howell	J. Lee Moore
J. C. Bradley	J. J. Huff	L. D. Moore
Chas. W. Burnley	W. H. Hunt	W. B. Moser
John Henry Cox	Lee Johnson	C. Sid Nabb
John P. Craig	Paul S. Jonas	Joe E. Nunn
Fred Creasey	Wm. E. Justice	H. C. Patterson
J. R. Dorman	H. Clay Kauffman	Chester Peterson
T. H. Dyer	M. Kavanaugh	Albert W. Pfeiffer
Harry W. Ennis	J. T. Linton	Sylvester Phillips
R. M. Hall	Homer E. Losey	J. Gip Prather

L. W. Preston	Leon J. Shaikun	H. Thieman, Jr.
Kleber F. Price	Faust Y. Simpson	Otis C. Thomas
Edw. P. Prichard	Robt. J. Spaulding	E. B. Thompson
James E. Quill	E. A. Spencer	John L. Trumbo
C. R. Reeves	Arthur Stallard	Harry F. Walters
H. G. Royalty	Geo. W. Steinford	R. E. West
Amos Runyon	Joe Stewart	Taylor Witt
F. W. Schuhmann	Thos. M. Swope	
Vernon Seaton	Egbert V. Taylor	—61

There voted in the negative—

Coy C. Nevitt —1

Mr. J. Lee Moore offered the following amendment to the title of said bill, viz.:

Amend the title and "whereas clauses" and insert in lieu thereof the following:

A resolution authorizing the payment of costs and attorney fees in the contest cases of Spillman vs. Phillips and Hamilton vs. Thieman, Jr.

Said amendment was agreed to.

Resolved that the title thereof be as amended.

Mr. J. Lee Moore moved that the vote by which said resolution was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 412. An Act pertaining to child labor and employment regulation of employment of infants.

Said bill is as follows, viz.:

Messrs. Paul Jonas and E. A. Spencer introduced the following bill, which was ordered to be printed and referred to the committee on.....

AN ACT to repeal, amend, and re-enact Chapter 339, Sections 339.010, 339.020, 339.030, 339.070, 339.080, 339.110, 339.120, 339.130, 339.180, 339.200 and 339.990, inclusive, Kentucky Revised Statutes, 1942 Edition, pertaining to Child Labor and Employment and Regulation of Employment of Infants.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. Section 339.010 is hereby amended to read: Limitation on employment of children.

a. No person shall employ or permit any child under sixteen years of age to work in any gainful occupation or service at any time until such person has secured and placed on file in his establishment a work permit for the child as provided in Sections 339.020 and 339.030 of this Chapter.

b. No child under 16 years of age shall be gainfully employed or permitted to work in any occupation or service whatsoever, or furnished merchandise, including newspapers, magazines and periodicals, to sell or deliver except in accordance with Sections 339.020 and 339.180.

c. No child under 16 years of age shall be employed or permitted to work in any occupation or service whatsoever during any of the hours when the public schools of the school district in which the child resides are in session, except as provided in Section 339.020 of this Chapter.

2. Section 339.020 is hereby amended to read: To whom work permits may be issued. Any board of education through

its superintendent or other authorized agent may issue work permits to children under sixteen years of age, except in prohibited occupations as provided in Section 339.120 and prohibited occupations in establishments subject to the provisions of the Federal Law, under the following conditions:

a. A work permit may be issued to a child who is under the age of sixteen years but who has passed his fifteenth birthday who has completed the seventh grade of a public school course or an equivalent course.

b. A work permit may be issued to a child who is under the age of sixteen years but who has passed his fourteenth birthday who holds a certificate of completion of an eight year elementary school course or an equivalent course.

c. A work permit may be issued to a child between 14 and 16 years for employment during school vacation time, on holidays and before and after school in accordance with this Chapter without consideration of educational qualifications, provided, however, that work permits issued for work during the regular school term under this subsection shall be revoked if the child is not making passing grades, and it shall be the duty of the school principal to notify the issuing officers so that the same may be revoked in accordance with provisions of this Chapter; notice of such revocation shall be furnished to the Commissioner of Industrial Relations by the Issuing Officer.

3. Section 339.030 is hereby amended to read: Procedure to obtain Work Permits.

a. No work permit may be issued to any child until he, accompanied by his parent, guardian, or a person having control or custody of him, appears in person before the proper officer of the board and makes application for it.

b. No work permit shall be issued until the issuing officer has examined, approved and recorded the following duly executed papers:

(1) A copy of the school record of the child, giving age, grade and attendance for the current term, signed by the principal or teacher.

(2) Evidence of age, in the order named, as follows: a certificate of birth, or a baptismal record duly attested, or a passport, or a school record of age supported by a physician's certificate of age and an affidavit of the parent, guardian or custodian of the child, sufficient to convince the issuing authority that the child has attained the age required by law. No subsequent evidence shall be accepted until it can be determined that the next preceding evidence is not extent or obtainable.

(3) A written statement of the prospective employer that work is waiting for the child, with a description of the nature of the work.

(4) A cerificate signed by a regularly licensed physician or public health officer stating that the child has been thoroughly examined by him and that, in his opinion, he is physically fit to pursue the work specified. No fee shall be charged for this examination certificate.

c. The parent, guardian, or custodian accompanying the child shall make oath that his statements setting out the name, address, birthplace and age of the child, as entered upon the application for the work permit, are true to the best of his knowledge and belief.

d. The officer authorized to issue work permits shall administer oaths required by this section but no fee shall be charged for administering oaths or for issuing the permit.

4. Section 339.070 is hereby amended to read: Employers' responsibility.

a. Every person employing children under 21 years of age shall keep a current record containing the names, ages, and addresses of such employees, amount of wages paid each pay period and hours of employment for each day and each week, and shall keep on file during the term for which issued all work permits and certificates of age required by this section for minors. These records and files shall be open at all times to the inspection of school attendance and probation officers, and representatives of the Department of Industrial Relations and the State Department of Education.

b. Within five days after the termination of work permits, notification shall be sent by the employer to the Board of Education of the district which authorized the permit. This notification shall contain the latest correct address of the child known to the employer.

c. No employer shall be prosecuted for employing a child at an age prohibited by this chapter, if the employer at the time of employing the child, in good faith procured a work permit or certificate of age, showing the child to be of an age not prohibited for the employment, and has kept the permit or certificate on file and in good faith relied upon it.

5. Section 339.080 is hereby amended to read: School superintendents' reports; Revocation of permits.

a. The Superintendent of Schools in each school district shall, between the first and tenth day of each month, send to the Department of Industrial Relations a duplicate copy of each work permit or age certificate issued or revoked during the previous month.

b. If a representative of the Department of Industrial Relations finds that the age of any child as given on a work permit or age certificate is incorrect, or that the time record is not kept in accordance with this Chapter, he shall notify the child,

the employer and the issuing officer that the permit is suspended and indicate the suspension on the permit or certificate. The representative suspending the permit or certificate shall forward a statement of the facts for which the suspension was made to the Commissioner of Industrial Relations who will either revoke the permit or certificate or veto the suspension. Due notice shall be sent to the child's parents, guardian or custodian, to the employer, and to the issuing officer of the action taken in regard to a suspended permit or certificate. If the suspension is vetoed a new permit or certificate shall be issued upon the surrender of the one suspended.

6. Section 339.110 is hereby amended to read: Maximum Hours. No person under sixteen years of age shall be employed or permitted to work at any occupation or service whatsoever for more than six days in any one week, except the delivery and selling of newspapers on the seventh day, or more than forty-eight hours in any one week, or more than eight hours in any one day, or before six o'clock in the morning or after seven o'clock in the evening of any day; provided, however, that no child who is allowed to work in accordance with subsection (c) of section 339.020 of this Chapter shall be permitted to work more than three (3) hours a day on regular school days or more than twenty-three (23) hours a week during any regular school term. The presence of any child during working hours shall be prima facie evidence of his employment there.

7. Section 339.120 is hereby amended to read: Prohibited Occupations. No child under 16 years of age shall be employed or permitted to: (1) Operate or assist in the operation of or work as a helper on any power-driven machinery of any kind, except the operation or servicing office equipment such as typewriters, adding machines, calculators, etc.; (2) operate a motor vehicle or work as a helper on same; (3) work in proximity to any hazardous or unguarded belts, machinery or gearing; (4)

work upon any railroad whether steam, electric or hydraulic; (5) work in any capacity in processes in which dangerous or poisonous acids or gases are used; (6) work in the manufacturing or packing of paints, colors of white or red lead; (7) work at soldering or welding; (8) work in occupations causing dust in injurious quantities; (9) work in the manufacture or use of dangerous or poisonous dyes; (10) operate or assist in operation of any freight or passenger elevators; (11) work in the manufacture or use of compositions of lye; (12) work in any tunnel or excavations; (13) work on scaffolding; (14) work in any capacity in, about or in connection with any mine, coke oven or quarry; (15) work in assorting, manufacturing or packing tobacco; (16) work in any pool or billiard room; (17) work in any distillery, brewery, or other establishment where malt or alcoholic liquors are manufactured, packed, or bottled; (18) work in any establishment where intoxicating liquors are sold for consumption on the premises; (19) work in any bowling alley; (20) work in any other occupation found and declared by the Commissioner of Industrial Relations after public hearing to be dangerous to the life or limb or injurious to the health or morals of a child. In matters involving the health of a child the State Commissioner of Health shall be consulted by the Commissioner of Industrial Relations before promulgating any rules or regulations based upon health of the child.

8. Section 339.130 is hereby amended to read: Machinery instruction allowed at school. Nothing in this Chapter shall prevent the use of suitable machinery for instruction in school where the mechanical arts, trades or shop courses are taught in connection with and as part of the school curriculum. The use of such machinery for instruction in any public or private school shall be subject to the approval of the Board of Education of the district where the school is situated, and shall be subject to the provisions of this Chapter and other state laws

pertaining to supplying safeguards for the protection of those using such machinery.

9. Section 339.180 is hereby amended to read: Regulations for street occupations.

a. No girl under eighteen or boy under fourteen years of age shall be employed or permitted to work at any time in any city of the first, second, or third class in or in connection with the street occupations of peddling, bootblacking, the distribution or sale of newspapers, magazines, periodicals or circulars, or in any other occupation pursued in any street or public place.

b. No boy between fourteen and sixteen years of age shall be employed or permitted to work in any city of the first, second or third class in or in connection with the street occupations of peddling, bootblacking, the distribution or sale of newspapers, magazines, periodicals or circulars, or in any other occupation pursued in any street or public place except upon the following conditions:

(1) A boy between fourteen and sixteen years of age, may, upon obtaining a work permit in accordance with the conditions set forth in Sections 339.020 and 339.030 of this Chapter, be entitled to engage in the street trades above mentioned at any time that the schools of the district in which he resides are not in session, but not before six A. M. nor after eight P. M. The permit shall be issued to said boys, shall be of a form designated by the State Board of Education so as to be distinct and different from the other work permits issued, shall be of a different color each calendar year, shall be reissued each calendar year, and shall be in possession of the recipient while at his work.

c. The Department of Industrial Relations, school-attendance officers, police officers, and juvenile court probation officers shall enforce this section.

10. Section 339.200 is hereby amended to read: Enforcement of Chapter.

a. The Department of Mines and Minerals shall have jurisdiction over the Administration and enforcement of this Chapter in all mines; except as otherwise provided, the Department of Industrial Relations shall have exclusive jurisdiction over the administration and enforcement of this Chapter in all other industries and occupations.

b. School-attendance officer shall report any cases of employment that they find in violation of this Chapter to the Department of Industrial Relations.

c. Representatives of the Department of Industrial Relations, the Department of Mines and Minerals and school-attendance officers may require that the work permits and age certificates and records required in this Chapter be produced for their inspection. Complaints for offenses in this Chapter, except as otherwise provided, shall be brought by the Department of Industrial Relations.

11. Section 339.990 is hereby amended to read: Penalties. Whoever employs or permits or suffers any minor to be employed in violation of this Chapter or furnishes merchandise, including newspapers, periodicals and magazines, and permits a child to work in violation of this Chapter, or obstructs or misleads the Department of Industrial Relations or the Department of Mines and Minerals or a board of education, its officers or agents, or any other person authorized to inspect places of employment under this Chapter, and whoever, having under his control and custody any minor permits or suffers him to be employed or to work in violation of this Chapter, shall be fined not less than $25.00 nor more than $100.00. Each day during which any violation of this Chapter continues shall constitute a separate and distinct offense and the employment of any

minor in violation of this Chapter shall, with respect to each minor so employed, constitute a separate and distinct offense.

Messrs. Spencer and Jonas offered the following amendment to said bill, viz.:

Amend H. B. 412 on page 8 following section 11 by adding thereto the following section:

12. It is the intention of the General Assembly that if House Bill 218 of the present General Assembly is enacted, Section 339.110 of the Kentucky Revised Statutes, as amended by this Act, shall be suspended as provided in House Bill 218 for the suspension of Section 339.110 of the 1942 Edition of the Kentucky Revised Statutes.

Said amendment was agreed to.

Mr. Jonas moved that further immediate consideration of said bill be postponed and that said bill retain its place in the Orders of the Day.

Said motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 397. An Act relating to the transportation of school children.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 158.110 of the Kentucky Revised Statutes is amended to read as follows:

Boards of education shall furnish transportation from their general funds or otherwise for pupils of elementary grade who do not reside within reasonable walking distance of the school provided for them, and any board of education may provide transportation from its general funds or otherwise for any pupil of any grade who does not live within a reasonable walking distance from the school provided for him. The boards of education shall adopt such rules and regulations as will insure the comfort, health and safety of the children who are transported, consistent with the rules and regulations of the State Board of Education dealing with the transportation of pupils. In any county containing a population of more than 200,000, any distance in excess of one-half mile shall not be deemed a reasonable walking distance.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with, said bill was read the third time by its title only and rejected.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

F. H. Bassett, Jr.	Paul S. Jonas	Vernon Seaton
J. C. Bradley	J. T. Linton	Leon J. Shaikun
A. Roy Copeland	Harry L. Moore	Faust Y. Simpson
John P. Craig	J. Lee Moore	Egbert V. Taylor
J. R. Dorman	C. Sid Nabb	H. Thieman, Jr.
Bernie S. Edlin	Chester Peterson	E. B. Thompson
R. M. Hall	Albert W. Pfeiffer	Harry F. Walters
Clyde S. Howard	Edw. P. Prichard	
Lee Johnson	F. W. Schuhmann	—25

Those who voted in the negative were—

W. G. Biggers	Homer E. Losey	H. G. Royalty
Isaac Blevins	A. L. Love	Amos Runyon
Chas. W. Burnley	Johnston Miller	Robt. J. Spaulding
John Henry Cox	L. D. Moore	E. A. Spencer
T. H. Dyer	W. B. Moser	Arthur Stallard
Franklin Goins	Coy C. Nevitt	Geo. W. Steinford
Claude Hammons	Joe E. Nunn	Joe Stewart
J. J. Huff	Sylvester Phillips	Thos. M. Swope
W. H. Hunt	L. W. Preston	Otis C. Thomas
Wm. E. Justice	Kleber F. Price	John L. Trumbo
H. Clay Kauffman	James E. Quill	R. E. West
M. Kavanaugh	C. R. Reeves	Taylor Witt

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At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 73. A Joint Resolution authorizing and directing the renovation and redecoration of the House Chamber, and the modernizing of the lighting system therein.

Said resolution is as follows, viz.:

WHEREAS, the House Chamber has not been redecorated or repainted for some twenty years or more, and its walls and ceiling are now in shameful condition, and

WHEREAS, it is highly important that the House Chamber be repainted and redecorated before the next regular session of the General Assembly, now, therefore:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the Division of Purchases and Public Properties of

the Department of Finance, or other proper State agency, is hereby authorized and directed to repaint, redecorate and otherwise generally renovate the walls and ceiling of the Chamber of the House of Representatives, in due time before the 1946 Session of the General Assembly, and to install in such Chamber a modern lighting system.

Mr. Burnley offered the following amendments to said resolution, viz.:

1. Amend H. Res. 73 on page 1, line 4 by adding after the words "House of Representatives" the following: "office and retiring room of the Speaker of the House."

2. Amend H. Res. 73 on page 1, line 6 after the word "chamber" by inserting the words "and rooms"

Said amendments were each agreed to.

Mr. Hammons offered the following amendment to said resolution, viz.:

Amend H. Res. 73 on page 1, line 6 after the word "system" by adding the following "and air conditioning system, and also hearing arrangement in the gallery bill room."

Said amendment was agreed to.

Said resolution was then adopted, as amended.

Mr. Burnley offered the following amendment to the title of said resolution, viz.:

Amend the title to H. Res. 73 by adding after the words "House Chamber" the following: "office and retiring room of the Speaker."

Said amendment was agreed to.

Resolved that the title thereof be as amended.

Mr. Burnley moved that the vote by which said resolution was adopted, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 309. An Act to amend and re-enact Sections 186.020, 186.180, 186.190 and 186.200 of the Kentucky Revised Statutes.

With a Committee amendment thereto by way of Substitute therefor.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. That Section 186.020 of the Kentucky Revised Statutes is amended to read as follows:

(1) Before the owner or operator of a motor vehicle, other than a motor vehicle engaged in the transportation of passengers for hire operating under a certificate of convenience and necessity, may operate it or permit its operation upon a highway, the owner shall apply for registration to the county clerk of the county in which he resides or in which the motor vehicle is to be operated, on a blank furnished by the department through the clerk. The application shall be accompanied: (a) By a bill of sale if the application is for registration of a new motor vehicle; (b) By the owner's registration receipt if the motor vehicle was registered and purchased by him before the effective date of this Act; (c) By the registration receipt

and the bill of sale if the motor vehicle is not new and was purchased by him after the effective date of this Act. After that, he shall register his motor vehicle on or before March 1 of each year. In so far as the owner is concerned, registration with the clerk shall be deemed to be a registration with the department.

(2) If an owner because of sickness or absence from the state is unable to renew the registration of his motor vehicle on or before March 1, he will be deemed to have complied with the law, if before operating the motor vehicle in this state he registers it at some later date and pays the fee for the full year, just as though he had renewed the registration on or before March 1. The owner shall file with the application an affidavit showing sickness or absence.

Sec. 2. That section 186.180 of the Kentucky Revised Statutes is amended to read as follows:

(1) If the owner loses his registration receipt, or his bill of sale, he may obtain a duplicate from the clerk upon filing a written statement as to the loss, upon a form furnished by the department, through the clerk, and he shall pay to the clerk a fee of fifty cents for each duplicate.

(2) A lost registration plate shall be duplicated by the department and furnished to the original owner by the clerk, when the owner makes a written statement as to the loss of the plate and pays the sum of fifty cents for each plate. Upon receipt of this sum, the clerk shall issue a receipt, and the owner shall pay the clerk fifty cents for this service. The possession of this receipt by the owner shall permit him to operate his motor vehicle upon the highways until he receives his duplicate plate, but he must display his registration number on a temporary plate, with the said number legibly printed, stamped or painted on heavy cardboard or other substantial material. The clerk, upon receipt of the duplicate plate shall

immediately notify the owner by mail, and the owner shall within five days return the receipt to the clerk and receive the duplicate. For this service the owner shall pay the clerk the sum of fifty cents.

Sec. 3. That section 186.190 of the Kentucky Revised Statutes is amended to read as follows:

(1) Whenever a motor vehicle that has been previously registered changes ownership, the registration plates shall remain upon the motor vehicle as a part of it until the expiration of the registration year.

(2) No person acting for himself or another shall offer for sale or trade any motor vehicle without then and there having in his actual physical possession the clerk's receipt for the registration fee for the current year and the bill of sale.

(3) No person shall sell or trade any motor vehicle without transferring by indorsement of the owner and delivering to the purchaser, the clerk's receipt for the registration fee for the current year.

(4) No person acting for himself or another shall buy or trade for any motor vehicle without receiving the clerk's receipts for the registration fee for the current year, indorsed as provided by subsection (3).

(5) Upon such change of ownership the purchaser, as the applicant for transfer of registration, shall present to the clerk the indorsed receipt of the original owner together with a copy of bill of sale, both of which the clerk shall retain. The purchaser shall accompany them with a transfer fee of one dollar, for which the clerk shall issue a receipt bearing the same data as is required on the original receipt except the change in name or address. For the clerk's services in issuing the receipt the purchaser shall pay him a fee of fifty cents.

The purchaser shall have in his possession a receipt showing the transfer before the motor vehicle is operated upon any highway.

(6) If the purchaser junks or otherwise renders the motor vehicle unfit for future use, he may, by immediately delivering to the clerk the registration plates, indorsed receipt and the second copy of the bill of sale, be relieved of the duty of transferring registration. The clerk shall then immediately return the plates, receipt and copy of the bill of sale to the department. For these services, the purchaser shall pay the clerk the fee of fifty cents.

(7) No licensed automobile dealer shall be required to pay the fees provided by this section.

Sec. 4. That section 186.200 of the Kentucky Revised Statutes is amended to read as follows:

(1) The bill of sale provided for by KRS 186.190 shall contain the date, vendee's name and post office address, vendor's name and post office address, the occupation of each, the consideration paid, any deferred payments and to whom payable, and the information provided for in KRS 186.030 and shall be subscribed and sworn to before any officer authorized to administer an oath.

(2) No person for himself or his employe or agent or as an officer of any court, shall sell, trade, transfer or deliver any motor vehicle without at the time making a bill of sale in triplicate and delivering two copies thereof to the purchaser. The purchaser shall retain one copy as evidence of ownership and shall deliver the second copy to the clerk upon application for original registration or as part of application for transfer of registration. The seller shall immediately deliver the third copy to the clerk.

Said substitute is as follows, viz.:

AN ACT relating to motor vehicles, the ownership thereof and other interests therein; provided for the issuance of certificates of title and related documents concerning title to motor vehicles by clerks of various counties in accordance with uniform system prescribed by Department of Revenue and upon payment of certain fees; providing for recording of liens and encumbrances on motor vehicles on certificate of title; prohibiting sale or transfer of motor vehicle unless accompanied by assignment of certificate of title; establishing rules and regulations and prescribing forms for the issuance of certificate of title and related documents and for the maintenance of records pertaining thereto; prescribing procedure with regard to stolen or converted motor vehicles; providing for distribution of fees collected pursuant to this Act; providing a validity clause; prescribing penalties for the violation of the several provisions of this Act; repealing KRS 186.200 and all other laws and parts thereof inconsistent with the provisions of this Act.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. The provisions of this Act shall apply exclusively, except as otherwise specifically provided, to motor vehicles required to be registered and licensed under the provisions of the Kentucky Statues, except foreign trucks and busses required to pay registration fees under the provisions of said statutes, as now existing or as hereafter amended.

2. No person hereafter shall sell or otherwise dispose of a motor vehicle without delivery to the purchaser or transferee thereof a certificate of title with such assignment thereon as may be necessary to show title in the purchaser or transferee, nor purchase or otherwise acquire or bring into this state a motor vehicle except for temporary use, not to

exceed a period of ninety days, unless he shall obtain a certificate of title for the same in his name in accordance with the provisions of this Act; provided a registered automobile dealer shall not be required to obtain a certificate of title for a motor vehicle acquired for resale, and provided further any such dealer may, in lieu of having a certificate of title issued in his name, reassign any existing certificate of title issued in this state or, if no certificate of title exists on such motor vehicle in this state, such dealer shall, over his signature, briefly note such fact of non-existence and the reasons therefor including name and address of the party from whom the vehicle was obtained, on the face of the separate application for initial certificate of title which is made by the purchaser or transferee. No motor vehicle shall be eligible for initial registration in this state on and after the effective date of this Act unless the provisions of this Act have been complied with insofar as said motor vehicle is concerned.

3. No person, except as provided in Sections 2 and 8 of this Act, acquiring a motor vehicle from the owner thereof, whether such owner be a dealer or otherwise, hereafter shall acquire any right, title, claim, or interest in or to said motor vehicle until he shall have had issued in his name a certificate of title to said motor vehicle; nor shall any waiver or estoppel operate in favor of such person against a person having possession of such certificate of title or an assignment of such certificate for said motor vehicle for a valuable consideration. No court in any case at law or in equity shall recognize the right, title, claim or interest of any person in or to any such motor vehicle, hereafter sold or disposed of, or mortgaged or encumbered, unless evidenced by and on a certificate of title duly issued, in accordance with the provisions of this Act, provided that the right of a person having a valid interest in or to a motor vehicle brought into this state from a state not having a certificate of title law shall not be prejudiced by a certificate of title being issued for said motor vehicle in this state.

4. Application for a certificate of title shall be made upon a form hereinafter prescribed by this Act; and shall be sworn to before a notary public or other officer empowered to administer oaths; and shall be filed with the clerk of the county in which the applicant resides if the applicant is a resident of this State, or if not such a resident in the county in which the transaction is consummated; and shall be accompanied by the fee prescribed in this Act; and if a certificate of title has previously been issued for such motor vehicle in this state, then said application shall be accompanied by said certificate of title duly assigned, or assigned and reassigned, unless otherwise provided for in this Act. If a certificate of title has not previously been issued for such motor vehicle in this state, said application, unless otherwise provided for in this Act, shall be accompanied by a proper bill of sale or sworn statement of ownership, or a duly certified copy thereof; or by a certificate of title, bill of sale or other evidence of ownership required by the law of another state from which such motor vehicle was brought into this state. In the case of a new motor vehicle being registered for the first time, no certificate of title or registration shall be issued unless such application is endorsed by a new car dealer authorized to sell such new motor vehicle. The county clerk shall retain the evidence of title presented by the applicant and on which the certificate of title is issued.

The county clerk shall use reasonable diligence in ascertaining whether or not the facts in said application are true by checking the application and documents accompanying same with the records of motor vehicles in his office; and if satisfied that the applicant is the owner of such motor vehicle and that the application is in the proper form, the county clerk shall issue a certificate of title over his signature and sealed with his seal, but not otherwise. In the case of the sale of a motor vehicle by a dealer to a general purchaser or user, the certificate of title shall be obtained in the name of the purchaser by the dealer upon application signed by the

purchaser, and in all other cases such certificates shall be obtained by the purchasers. In all cases of transfers of motor vehicles, the application for certificates of title shall be filed within three days after the delivery of such motor vehicles; provided, dealers need not apply for certificates of title for such motor vehicles in stock or when such are acquired for stock purposes, but upon transfer of same shall either give transferee a reassignment of the certificate of title on such motor vehicle or shall make notation on the face of the application by transferee as provided in Section 2.

5. The county clerk shall issue the certificate of title in triplicate. All certificates of title shall be typewritten. The county clerk shall sign and affix his seal to the original certificate of title, and shall deliver said certificate to the holder of the first lien if any, otherwise to the applicant. One copy shall be retained by him in his office and the other copy shall be transmitted, postage prepaid, on that day to the Department of Revenue. For the purpose of this Act, the clerks of the various counties shall adopt a circular seal with the words "County Clerk of ....(insert name) County" thereon. The Department of Revenue shall prescribe a uniform method of numbering certificates of title and such numbering shall be in such manner that the county of issuance shall be indicated. The county clerk shall assign numbers to certificates of title in the manner prescribed by the Department of Revenue. The county clerk shall file all certificates of title according to regulations to be prescribed by the Department of Revenue, and shall maintain in his office indices for such certificates of title. The county clerk shall not be required to retain on file any bills of sale or duplicates thereof covering any motor vehicle for a period longer than seven years after the date of the filing thereof and thereafter the same may be destroyed.

6. The Department of Revenue shall issue such regulations as it may deem necessary to insure uniform and orderly

operation of this act, and the clerks of all counties shall conform thereto. The Department of Revenue shall receive and file in its office all instruments forwarded to it by the county clerks under the provisions of this Act and shall maintain indices covering the state at large for the instruments so filed. These indices shall be by motor number and alphabetically by owner's name and shall be for the state at large and not for individual counties. The Department of Revenue shall provide and furnish the forms required by Section 12 of this Act. The Department of Revenue shall check with its record all duplicate certificates of title received from the county clerks. If it appears that a certificate of title has been improperly issued, the Department of Revenue shall have the power and it shall be its duty to cancel same. Upon cancellation of any certificate of title the Department of Revenue shall notify the county clerk who issued same, and said county clerk shall thereupon enter said cancellation upon his records. The Department of Revenue shall also notify the person to whom such certificate of title was issued, as well as any lien holders appearing thereon of said cancellation and shall demand the surrender of such certificate of title, but said cancellation shall not affect the validity of any lien noted thereon. The holder of such certificate of title shall return same to the Department of Revenue forthwith. If a certificate of registration has been issued to the holder of a certificate of title so cancelled, the Department of Revenue shall immediately cancel same and demand the return of such certificate of registration and license plates or tags, and the holder of such certificate of registration and license plates or tags shall return the same to the Department of Revenue forthwith. The county clerk shall keep on hand a sufficient supply of blank forms, which, except certificate of title form, shall be furnished and distributed without charge to dealers, or other persons residing within the county.

7. It shall be the duty of every sheriff, chief of police, constable, state highway patrolman or officer, having knowl-

edge of a stolen motor vehicle, immediately to furnish the Department of Revenue with full information in connection therewith, together with the make and manufacturer's serial number or motor number thereof. It shall be the duty of the Department of Revenue whenever it may receive a report of the theft of conversion of a motor vehicle, whether the same has been registered or not, and whether owned in this or any other state, to make a distinctive record thereof and file same in the numerical order of the manufacturer's serial number or motor number with the index records of the vehicles of such make. The Department of Revenue shall prepare a report listing motor vehicles stolen and recovered as disclosed by the reports submitted to it; and said report shall be distributed as it may deem advisable. In the event of the receipt from any county clerk of a copy of a certificate of title to such motor vehicle, the Department of Revenue shall immediately notify the rightful owner thereof and the county clerk who issued such certificate of title, and if, upon investigation, it appears that such certificate of title was improperly issued, the Department of Revenue shall immediately cancel same. In the event of the recovery of a stolen or converted motor vehicle it shall be the duty of the owner immediately to notify the Department of Revenue which shall cause the record of the theft or conversion to be removed from its file.

8. If the lien created by any mortgage, conveyance intended to operate as a mortgage, trust receipt, conditional sales contract, or other similar instrument made hereafter and covering a motor vehicle required to be registered has been noted by the county clerk on the face of the certificate of title for such vehicle the same shall be valid as against the creditors of the mortgagor, and subsequent sales, mortgages, and other encumbrances shall not be valid against the holder of the liens so noted on a certificate. All liens, mortgages and encumbrances noted upon a certificate of title shall take priority according to the order of time in which the same are noted thereon by the county clerk. The holder of a chattel

mortgage, trust receipt, conditional sales contract or similar instrument, upon presentation of said instrument to the clerk of the county where such certificate of title was issued, together with the certificate of title and the fee prescribed by his Act, may have a notation of such lien made on the face of such certificate of title. The county clerk shall enter said notation and the date thereof over his signature and seal of office, and he shall also note such lien and the date thereof on the duplicate of same in his file and on that day shall notify the Department of Revenue which shall do likewise. The county clerk shall also indicate by appropriate notation and on such instrument itself the fact that such lien has been noted on the certificate of title.

Whenever a person entitled to a lien against a motor vehicle under the provision of KRS 376.270, and who has parted with the possessions of such motor vehicle, such a lien shall not be valid against other creditors of the owner of the motor vehicle unless the person entitled to such a lien presents to the clerk of the county, where the certificate of title was issued a written statement, under oath, showing the amount of the claim, a description of the motor vehicle, and the nature of the repairs made on parts furnished. Upon receiving such statement it shall be the duty of the county clerk to issue a substitute certificate of title, in triplicate, and shall note thereon all liens in the order as they appear on the copy of the first certificate of title of record in his office, and shall also note thereon the lien claimed under KRS 376.270. Such substitute certificate of title shall be numbered, the first such issue shall be numbered 2, and subsequent issue shall be numbered consecutively. Whenever a substitute certificate of title is issued the original thereof shall be delivered or mailed by the clerk to the holder of the first lien, one copy shall be retained by him, and the other copy shall be transmitted on that day to the Department of Revenue. The issuance of a substitute certificate of title shall invalidate the preceding certificate

of title. Said lien shall become effective when it is noted on the certificate of title by the clerk as herein provided. In no event shall such a lien be prior to a lien previously and validly noted on a certificate of title. When any lien is discharged, the holder thereof shall note a cancellation of same on the face of the certificate of title over his signature and shall deliver it to the next lien holder if any, otherwise to the owner. Such a cancellation shall be attested by an officer authorized to administer an oath. Said owner may, upon presentation of said certificate of title to the county clerk, have the county clerk note the cancellation of said lien on the face of said certificate of title. The county clerk, if such cancellation appears to be genuine, shall note said cancellation on said certificate of title; and he shall also note said cancellation on his records and on the same day notify the Department of Revenue which shall do likewise.

After the effective date of this Act the instruments evidencing the liens mentioned herein, required to be noted on a certificate of title to be valid against creditors of the owner of the certificate of title, shall not be required to be recorded in order to validate the lien as against such creditors, and the recordation of such a lien, without the lien being noted on the certificate of title, shall not be valid as against creditors of the owner of the motor vehicle.

9. In the event of the transfer of ownership of a motor vehicle by operation of law as upon inheritance, devise or bequest, order in bankruptcy, insolvency, replevin or execution sale, or whenever the engine of a motor vehicle is replaced by another engine, or whenever a motor vehicle is sold to satisfy storage or repair charges, or repossession is had upon default in performance of the terms of a chattel mortgage, trust receipt, conditional sales contract or other like agreement, the clerk of the county in which the last certificate of title to said motor vehicle was issued, upon the surrender of the prior certificate of title, or when that is not possible, upon

presentation of satisfactory proof to the said county clerk of the ownership and right of possession to such motor vehicle, and upon payment of the fee prescribed in this Act, and presentation of an application for certificate of title, may issue to the applicant a certificate of title thereto. Only an affidavit by the person, or agent of the person to whom possession of such motor vehicle has so passed, setting forth facts entitling him to such possession and ownership, together with a copy of the journal entry, court order or instrument upon which such claim of possession and owneship is founded, shall be considered satisfactory proof of ownership and right of possession. If the applicant cannot produce such proof of ownership, he may apply directly to the Department of Revenue and submit such evidence as he may have, and the Department of Revenue may thereupon, if it finds the evidence sufficient, authorize the county clerk to issue a certificate of title. If, from the records in the office of said county clerk, there appear to be any lien or liens on said motor vehicle, such certificate of title shall contain a statement of said liens unless such application is accompanied by proper evidence of their satisfaction or extinction.

10. In the event of a lost or destroyed certificate of title, application shall be made to the clerk of the county where such certificate of title was issued by the owner of said motor vehicle or the holder of a lien thereon for a certified copy of same upon a form and accompanied by the fee prescribed by this Act. Such application shall be signed and sworn to by the person making the same. Thereupon the county clerk shall issue a certified copy of said certificate of title to the person entitled to receive the certificate of title under the provisions of this Act. Said certified copy and all subsequent certificates of title issued in the chain of title originated by said certified copy shall be plainly marked across their face "duplicate copy" and any subsequent purchaser of said motor vehicle in the chain of title originating through such certified

copy shall acquire only such rights in such motor vehicle as the original holder of said certified copy himself had. Any purchaser of such motor vehicle may at the time of such purchase require the seller of same to indemnify him and all subsequent purchasers of said motor vehicle against any loss which he or they may suffer by reason of any claim or claims presented upon the original certificate. In the event of the recovery of the original certificate of title by said owner he shall forthwith surrender same to the county clerk for cancellation.

11. Each owner of a motor vehicle and each person mentioned as owner in the last certificate of title, when such motor vehicle is dismantled, destroyed, or changed in such manner that it is not the motor vehicle described in the certificate of title, shall surrender his certificate of title to the county clerk who issued the same and thereupon said county clerk shall, with the consent of any holders of any liens noted thereon, enter a cancellation upon his records and shall notify the Department of Revenue of such cancellation. Upon cancellation of a certificate of title in the manner prescribed by this section, the county clerk and the Department of Revenue may cancel and destroy all certificates in that chain of title.

12. A certificate of title shall be printed upon a special watermarked paper to be selected by the Department of Revenue and shall be in the following form:

CERTIFICATE OF TITLE

No.....

State of ....., County of .....ss.

.....

This is to certify that

.....

(Registered Owner's Name)

.....

(Registered Owner's Address in Full)

is the owner of the following described motor vehicle:

MAKE BODY TYPE MODEL

.....

Mfr's Serial No. Mot. No. Year Made

.....

having acquired title to said motor vehicle from

.....

(Name of Previous Owner)

upon which motor vehicle are the following liens, mortgages or encumbrances:

	1st Lien	2nd Lien
Nature of Lien ..... :		
Held by ..... :		
Holder's address in full ..... :		
Amount of Lien ..... :		
Date of notation ..... :		
Clerk's signature ..... :		
Date of cancellation ..... :		
Clerk's signature ..... :		

.....

(Note: If there are no lien's, mortgages, or encumbrances that fact must be stated.)

Witness my hand and official seal this ..... day of ....., 19.....

.....

County Clerk

by.....

Deputy

An "assignment of certificate of title" shall appear on the reverse side of each certificate of title and shall be in the following form:

ASSIGNMENT OF CERTIFICATE OF TITLE

State of .....
County of ..... } ss.

The undersigned, being the owner of the motor vehicle described in the within certificate of title, hereby sells and assigns all his right, title and interest in and to said certificate of title and the motor vehicle described therein to .....

(Name of assignee)

.....

(Address of assignee in full)

.....

(Signature of Assignor)

.....

(Address in full)

Sworn to before me and subscribed in my presence this ..... day of ....., 19.....

.....

(Notary Public)

A "Reassignment by Dealer" shall likewise appear on the reverse side of each certificate of title and shall be in the following form:

REASSIGNMENT BY DEALER

To be filled in by Dealer only.

State of .....
County of ..... } ss.

The undersigned, being a dealer, who purchased the motor vehicle described in the within certificate of title, hereby sells and assigns all his right, title and interest in and to said certificate of title and the motor vehicle described therein to

(Name of Assignee)

.....

(Address of Assignee)

.....

The undersigned states and warrants that there are no mortgages, liens or encumbrances on said motor vehicle except as noted on the face of this certificate of title.

Date ....

Dealer

Dlr. License Plate No. ..... By.....

Sworn to before me and subscribed in my presence this ..... day of ....., 19.....

.....

Notary Public

An "Application for a certificate of title" shall be in the following form and one of such forms shall also appear on the reverse side of each certificate of title.

APPLICATION FOR CERTIFICATE OF TITLE

State of .....}
County of .....} ss.

.....RESIDING AT .....

(Name of applicant) (Address in full) hereby states that he is the lawful owner or purchaser of the following described vehicle, and makes application for a certificate of title to same:

Make Body Type Model

.....

Mfr's Serial No. Mot. No. Year Made

.....

Applicant acquired said motor vehicle by .....

.....

(State how acquired)

from .....

(Name of Previous Owner)

residing at .....

(Address of Previous Owner in full)

The following is a full statement of all liens, mortgages or encumbrances on said motor vehicle:

Nature	Held by	Address	Amount
.....	.....	.....	.....

(Note: If there are no liens, mortgages, or encumbrances, that fact must be stated.

Date ....

(Signature of Applicant)

Sworn to before me and subscribed in my presence this ..... day of ....., 19.....

.....

(Notary Public)

(If new car, dealer signs here)

.....

13. Within ninety days from the effective date of this Act the owner of a motor vehicle purchased before this Act became effective, and to which a certificate of title has not been issued under the provisions of this Act, shall obtain a certificate of title to his motor vehicle from the county clerk who issued the last registration certificate for said motor vehicle. The owner shall make application for a certificate of title, under oath, on a form furnished by said clerk, and as prescribed in Section 12 of this Act; whereupon said clerk shall issue a certificate of title to the motor vehicle in favor of the owner thereof, as provided in Section 5 of this Act, and shall note on the original certificate, and each copy thereof, any and all liens stated by the owner to exist against the motor vehicle.

14. The clerks of the various counties shall remit all funds due the State Treasurer under this Act monthly and not later than the fifth day of the month following collection thereof. The clerks of the various counties shall use all funds derived from fees specified herein for the administration of this Act in their respective counties.

15. Whoever alters or forges any certificate of title to a motor vehicle, or any assignment thereof or any cancellation of any liens on a motor vehicle or whoever holds or uses such certificate or assignment or cancellation knowing the same to have been altered or forged; or whoever procures or attempts to procure a certificate of title to a motor vehicle, or passes or attempts to pass a certificate or title or any assignment thereof to a motor vehicle, knowing or having reason to believe that such motor has been stolen; or whoever sells or offers for sale in this State a motor vehicle on which the motor number or manufacturer's serial number has been destroyed, removed, covered, altered or defaced with knowledge of such destruction, removal, covering, alteration or defacement of said motor number or manufacturer's serial number; or whoever uses a false or fictitious name or gives a false or fictitious address or makes any false statement in any application or affidavit required under the provisions of this Act, or in a bill of sale or sworn statement of ownership or otherwise commits a fraud in any application; or whoever shall propose to sell or transfer a motor vehicle without delivering to the first lien holder, if any, otherwise to the purchaser or transferee thereof a certificate of title thereto duly assigned to such purchaser as provided for in this Act, shall upon conviction thereof, be fined not less than fifty dollars nor more than five hundred dollars or imprisoned for not less than six months nor more than five years or both, for each offense. In the event the owner of said vehicle has changed his residence, he shall notify the clerk of the county from which he has changed his residence, and state the name of the county to which he has changed his residence. The clerk of the county from which the owner has changed his residence shall forthwith transmit to the clerk of the county to which the owner has changed his residence the clerk's copy of the owner's certificate of title, and shall also notify the Department of Revenue of such transfer of the owner's certificate of title.

16. The provisions of this Act with respect to liens being noted on a certificate of title to a motor vehicle shall not apply to liens obtained by a valid court proceedings.

17. The clerks of the various counties shall charge a fee of fifty cents for each certificate of title, a fee of thirty cents for each certified copy of a certificate of title, a fee of twenty-five cents for each notation of any lien on a certificate of title, and twenty-five cents for each cancellation of notation of any lien on a certificate of title. The clerks of the various counties shall retain twenty cents of the fifty cents charged for each certificate of title; ten cents for each notation of lien; ten cents for each cancellation of notation of lien; and the entire amount charged for a certified copy of a certificate of title. The remaining thirty cents charged for the certificate of title, the remaining fifteen cents charged for notation of any lien on a certificate of title and the remaining fifteen cents charged for any cancellation of notation of lien shall be paid to the State Treasurer to be credited to the State General Fund.

18. Whoever shall, except as otherwise provided for in this Act, operate in this State a motor vehicle for which a certificate of title is required without such certificate having been obtained in accordance with the provisions of this Act, or upon which the certificate of title has been cancelled; or whoever, not being an enfranchised dealer or acting on behalf of such a dealer shall acquire, purchase, hold or display for sale a new motor vehicle without having obtained a certificate of title therefor as provided for in this Act; or whoever shall fail to surrender any certificate of title or any certificate of registration or license plates or tags upon cancellation of the same by the Department of Revenue and notice thereof as prescribed in this Act; or whoever fails to surrender the certificate of title to the county clerk as provided in this Act in case of the destruction or dismanteling or change of a

motor vehicle in such respect that it is not the motor vehicle described in the certificate of title; or whoever shall violate any of the other provisions of this Act, or any lawful rules or regulations promulgated pursuant to the provisions of this Act, shall be fined not more than two hundred dollars or imprisoned for not more than ninety days, or both, for each offense.

19. If any section, sentence, clause, phrase, or requirement of this Act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions hereof.

20. KRS 186.200 is hereby repealed. All other statutes and laws of this State, or parts thereof, inconsistent with the provisions of this Act are hereby repealed to the extent of such inconsistency.

21. This Act shall become effective when passed by the General Assembly and approved by the Governor.

Mr. Swope offered the following amendments to said substitute, viz.:

1. Amend the Substitute for H. B. 309 on page 11, section 12, line 16 by striking the words "year made" and inserting therein the words "year model"

2. Amend the Substitute for H. B. 309 on page 17, section 17, line 13 by striking out the words "state general fund" and inserting in lieu thereof the words "state road fund"

Said amendments were each agreed to.

Said Substitute was then adopted, as amended.

Ordered the said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with and the same having been engrossed, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

W. G. Biggers	M. Kavanaugh	F. W. Schuhmann
Isaac Blevins	J. T. Linton	Vernon Seaton
John Henry Cox	Homer E. Losey	Leon J. Shaikun
Fred Creasey	Johnston Miller	Faust Y. Simpson
J. R. Dorman	Harry L. Moore	Robt. J. Spaulding
Bernie S. Edlin	J. Lee Moore	E. A. Spencer
Franklin Goins	W. B. Moser	Arthur Stallard
R. M. Hall	C. Sid Nabb	Geo. W. Steinford
Claude Hammons	H. C. Patterson	Joe Stewart
Clyde S. Howard	Chester Peterson	Thos. M. Swope
Jerry F. Howell	Albert W. Pfeiffer	Egbert V. Taylor
J. J. Huff	Sylvester Phillips	H. Thieman, Jr.
W. H. Hunt	L. W. Preston	John L. Trumbo
Lee Johnson	Kleber F. Price	Harry F. Walters
Paul S. Jonas	James E. Quill	R. E. West
H. Clay Kauffman	H. G. Royalty	Taylor Witt

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Those who voted in the negative were—

F. H. Bassett, Jr.	A. L. Love	C. R. Reeves
T. H. Dyer		

—4

Resolved that the title thereof be as aforesaid.

Mr. Quill moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Moser of the Committee on Enrollment reported that they had examined and found to be correctly enrolled, bills of the following titles, viz.:

H. B. 287. An Act relating to the establishment, maintenance and operation by cities of artificial gas and garbage disposal system.

H. B. 189. An Act relating to the appointment of a collector of dog licenses, perscribing his qualification, term of office, compensation and duties.

H. B. 250. An Act providing for the creation of a Civil Service Commission, etc.

H. B. 90. An Act relating to Workmen's Compensation.

H. B. 281. An Act relating to condemned prisoners.

H. B. 277. An Act relating to crime and punishment.

H. B. 227. An Act appropriating money from the General Fund for the fiscal year ending June 30, 1944, supplementing an appropriation to the Department of Agriculture.

Thereupon all other business was suspended, said bills were read at length and compared in open session and found to be correctly enrolled, and thereupon the Speaker, in open session and in the presence of the House, affixed his signature thereto.

Ordered that the Enrolling Clerk of this House deliver said bills to the Senate.

After a time the Enrolling Clerk aforesaid delivered the original and enrolled copies of said bills duly signed by the President of the Senate, into the possession of the Chief Clerk of this House.

Ordered that the Chief Clerk deliver said bills to the Governor.

After a time the Chief Clerk reported that he had discharged that duty.

Without objection, the following bill was introduced, viz:

By Mr. Hunt.

H. B. 436. An Act relating to mining.

Ordered that said bill be printed and referred

To the Committee on Rules.

Mr. Quill moved that the House do now adjourn.

Said motion was agreed to.

And then the House adjourned.

MONDAY, MARCH 13, 1944

The House was called to order by The Honorable Harry Lee Waterfield, Speaker.

The House was opened with prayer by The Reverend O. L. Gilmore of the Presbyterian Church, North of Frankfort.

The roll was called and the following members answered to their names, viz.:

Chas. W. Anderson
Henry Arrowood
F. H. Bassett, Jr.
W. G. Biggers
Isaac Blevins
Douglas T. Bolling
J. C. Bradley
Jno. W. Burkhart
Chas. W. Burnley
C. D. Call
Willis Champion
Jno. H. Clarke, Jr.
A. Roy Copeland
John Henry Cox
John P. Craig
Fred Creasey
Thomas S. Dawson
Adron Doran
J. R. Dorman
T. H. Dyer
Bernie S. Edlin
Harry W. Ennis
Dr. J. C. Gabbard
Chas. B. Gentry
Franklin Goins
J. D. Gross
R. M. Hall
Jas P. Hallahan
Claude Hammons
B. C. Holbrook
Benton Howard
Clyde S. Howard
Jerry F. Howell
J. J. Huff
W. N. Hughes
W. H. Hunt
Lee Johnson
Paul S. Jonas
Wm. E. Justice
H. Clay Kauffman
M. Kavanaugh
G. M. Knuckles
J. T. Linton
Homer E. Losey
A. L. Love
Pearl McKinney
C. C. May
Johnston Miller
Harry L. Moore
Herbert V. Moore
J. Lee Moore
L. D. Moore
W. B. Moser
C. Sid Nabb
Coy C. Nevitt
Jno. C. Newcomb
Joe E. Nunn
H. C. Patterson
Chester Peterson
Albert W. Pfeiffer
Sylvester Phillips
J. Gip Prather
L. W. Preston
Kleber F. Price
Edw. P. Prichard
James E. Quill
C. R. Reeves
L. Allen Rhoads
Wade H. Riley
H. G. Royalty
Amos Runyon
Carl Scheben
F. W. Schuhmann
Vernon Seaton
Leon J. Shaikun
Jno. W. Simmons
Faust Y. Simpson
George T. Smith
Robt. J. Spaulding
E. A. Spencer
Arthur Stallard
Geo. W. Steinford
Joe Stewart
Thos. M. Swope
C. W. Taylor
Egbert V. Taylor
Roy L. Taylor
H. Thieman, Jr.
Otis C. Thomas
E. B. Thompson
John L. Trumbo
S. J. Wagner
Harry F. Walters
R. E. West
Taylor Witt
Speaker Harry Lee Waterfield

Mr. Copeland moved that the reading of the Journal of Saturday's proceedings be dispensed with.

Said motion was agreed to.

Mr. Bolling moved that Charles Riley be appointed an Honorary Page of this House.

Said motion was agreed to.

Mr. Quill moved that when the House adjourn today, it adjourn out of respect to the memory of Mr. Albert Carpenters.

Said motion was agreed to.

Mr. Quill introduced to the House Sergeant Vernon Knuckles, son of The Honorable G. M. Knuckles, who has returned to this country from foreign service.

Mr. Moser of the Committee on Enrollment reported that they had examined and found to be correctly enrolled, bills and resolutions of the following titles, viz:

H. B. 255. An Act relating to elections of electors of President and Vice President of the United States.

H. B. 335. An Act relating to the adoption of school textbooks.

H. B. 170. An Act relating to war veterans, establishing a Disabled Ex-Service Men's Board.

H. Res. 32. Resolution establishing a Youth Guidance Commission; etc.

S. B. 91. An Act relating to charters of the cities of the second and third classes.

Thereupon all other business was suspended, said bills and resolutions were read at length and compared in open session and found to be correctly enrolled, and thereupon the Speaker, in open session and in the presence of the House affixed his signature thereto.

Ordered that said bill which originated in the Senate, be delivered to the Enrolling Clerk of the Senate.

Ordered that the Enrolling Clerk of this House deliver said bills and resolution which originated in this House to the Senate.

After a time the Enrolling Clerk aforesaid delivered the original and enrolled copies of said bills and resolution, duly signed by the President of the Senate, into the possession of the Chief Clerk of this House.

Ordered that the Chief Clerk deliver said bills and resolution to the Governor.

After a time the Chief Clerk reported that he had discharged that duty.

At the instance of the Committee on Rules, the House took up for consideration from the Calendar bills and resolutions of the following titles, viz:

S. B. 19. An Act relating to the registration and purgation of voters.

S. B. 34. An Act to make it unlawful for any two or more insurance companies, writing the same class or classes of risks and doing business in this Commonwealth to enter into arrangement, contract, etc.

S. B. 124. An Act relating to compensation of re-

porters for Circuit Courts of continuous session in counties having a population of less than 150,000.

S. B. 146. An Act to provide a stenographer for the Commonwealth's Attorney in counties containing a city of the second class.

S. B. 149. An Act relating to public health with particular relation to pharmacists.

S. B. 151. An Act providing for the transfer of funds remaining after toll bridges in projects 9, 10, 12 and 14 were freed, etc.

S. Res. 35. Resolution authorizing Jerry Hall to sue the Commonwealth.

S. Res. 43. Resolution authorizing payment of a claim to Charles C. Waggoner as sheriff of Graves County.

S. Res. 44. Resolution memoralizing Congress to pass a law enabling ceiling prices on fluorspar to be increased.

S. B. 29. An Act relating to the Department of Law.

S. B. 28. An Act relating to the Department of Revenue.

S. B. 135. An Act relating to the mining of clay fluorspar.

S. B. 101. An Act to repeal and re-enact Section 183.020 KRS.

S. B. 150. An Act relating to escheated, abandoned and unclaimed property.

S. B. 156. An Act relating to compensation, travel etc. for members of the General Assembly.

With the expression of opinion that said bills and resolutions ought to pass.

Said bills and resolutions were each and severally read at length the first time and ordered to be placed on the Calendar.

At the instance of the Committee on Rules The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 431. An Act relating to unemployment Compensation.

Said bill is as follows, viz:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (2) of KRS 341.120 is amended to read as follows: The Executive Director of the Unemployment Compensation Commission shall be paid from the Unemployment Compensation Administration Fund a fixed salary at a rate fixed by the Governor and the Social Security Board not to exceed five thousand dollars per annum, plus necessary expenses, and shall devote his full time to the duties of his office. He shall give bond for the faithful performance of his duties in the amount of twenty thousand dollars which shall be executed by some surety company or companies authorized to do business in Kentucky. The bond shall be approved by the Governor and filed with the Secretary of State. Premiums for the bond shall be paid from the Unemployment Compensation Administration Fund.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of

said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

Chas. W. Anderson
Henry Arrowood
F. H. Bassett, Jr.
W. G. Biggers
Isaac Blevins
Douglas T. Bolling
J. C. Bradley
Jno. W. Burkhart
Chas. W. Burnley
C. D. Call
Willis Champion
John H. Clarke, Jr.
A. Roy Copeland
John Henry Cox
John P. Craig
Fred Creasey
Adron Doran
J. R. Dorman
Bernie S. Edlin
Harry W. Ennis
Dr. J. C. Gabbard
Chas. B. Gentry
Franklin Goins
R. M. Hall
Jas P. Hallahan
Claude Hammons
B. C. Holbrook
Benton Howard
Clyde S. Howard
Jerry F. Howell
J. J. Huff
W. H. Hunt
Lee Johnson
Wm. E. Justice
M. Kavanaugh
G. M. Knuckles
J. T. Linton
Homer E. Losey
A. L. Love
Pearl McKinney
C. C. May
Johnston Miller
Harry L. Moore
Herbert V. Moore
J. Lee Moore
L. D. Moore
W. B. Moser
C. Sid Nabb
H. C. Patterson
Chester Peterson
Albert W. Pfeiffer
Sylvester Phillips
L. W. Preston
Kleber F. Price
Edw. P. Prichard
James E. Quill
C. R. Reeves
L. Allen Rhoads
Wade H. Riley
H. G. Royalty
Amos Runyan
Carl Scheben
F. W. Schuhmann
Vernon Seaton
Leon J. Shaikun
Jno. W. Simmons
Faust Y. Simpson
Arthur Stallard
Geo. W. Steinford
Thos. M. Swope
C. W. Taylor
Egbert V. Taylor
Roy L. Taylor
H. Thieman, Jr.
John L. Trumbo
Harry F. Walters
R. E. West
Taylor Witt

—78

Those who voted in the negative were—

W. N. Hughes	George T. Smith	Joe Stewart
H. Clay Kauffman	Robt. J. Spaulding	Otis C. Thomas

—6

Resolved that the title thereof be as aforesaid.

Mr. Quill moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 432. An Act relating to unemployment compensation.

Said bill is as follows, viz.:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

KRS 341.160 is amended to read as follows:

Personnel. Subject to KRS 341.130, and to other provisions of this chapter, the Commission is authorized, subject to the provisions of KRS chapters 12, 42 and 45, to appoint, fix the compensation and prescribe the duties and power of such officers, accountants, attorneys, experts, examiners, referees and other persons as may be necessary in the performance of its duties under this chapter. All positions shall be filled by persons selected and appointed on a non-partisan merit basis. The Commission shall not employ or pay any person who is an officer or committee member of any political party organization. The commission may, by written orders,

delegate to any person so appointed such power and authority as it deems reasonable and proper for the effective administration of this chapter. The commission shall require of all persons handling moneys or signing checks hereunder the execution of a bond to the Commonwealth, with a corporate surety authorized to do business in this state, conditioned upon the faithful performance of their duties. Such bonds shall be in such amounts as are deemed necessary by the commission and the premiums thereon shall be paid from the Unemployment Compensation Administration Fund.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

Chas. W. Anderson	Fred Creasey	W. H. Hunt
Henry Arrowood	Adron Doran	Lee Johnson
F. H. Bassett, Jr.	J. R. Dorman	Paul S. Jonas
W. G. Biggers	T. H. Dyer	Wm. E. Justice
Isaac Blevins	Bernie S. Edlin	M. Kavanaugh
Douglas T. Bolling	Harry W. Ennis	G. M. Knuckles
J. C. Bradley	Dr. J. C. Gabbard	J. T. Linton
Jno. W. Burkhart	Franklin Goins	Homer E. Losey
Chas. W. Burnley	Jas P. Hallahan	A. L. Love
C. D. Call	Claude Hammons	Pearl McKinney
Willis Champion	B. C. Holbrook	Johnston Miller
John H. Clarke, Jr.	Benton Howard	Harry L. Moore
A. Roy Copeland	Clyde S. Howard	Herbert V. Moore
John Henry Cox	Jerry F. Howell	J. Lee Moore
John P. Craig	J. J. Huff	L. D. Moore

W. B. Moser	L. Allen Rhoads	Geo. W. Steinford
C. Sid Nabb	Wade H. Riley	Joe Stewart
Coy C. Nevitt	H. G. Royalty	C. W. Taylor
Joe E. Nunn	Amos Runyon	Egbert V. Taylor
Chester Peterson	Carl Scheben	Roy L. Taylor
Albert W. Pfeiffer	F. W. Schuhmann	H. Thieman, Jr.
Sylvester Phillips	Vernon Seaton	John L. Trumbo
J. Gip Prather	Leon J. Shaikun	Harry F. Walters
L. W. Preston	Jno. W. Simmons	R. E. West
Edw. P. Prichard	Faust Y. Simpson	Taylor Witt
James E. Quill	E. A. Spencer	
C. R. Reeves	Arthur Stallard	—79

Those who voted in the negative were—

W. N. Hughes	George T. Smith	Otis C. Thomas
H. Clay Kauffman	Robt. J. Spaulding	—5

Resolved that the title therof be as aforesaid.

Mr. Quill moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day, a bill entitled: H. B. 376. An Act relating to reporting conveyance of real property and duties of the County Tax Commissioner.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. Section 133.210 of the Kentucky Revised Statutes is amended to read as follows:

(1) On or before August 1 of each year, each county tax commissioner shall file with the Department of Revenue, in accordance with forms prescribed by the Department for that purpose, a report on each sale of real estate recorded in the deed books of the county during the previous fiscal year ending June 30, except as provided hereunder.

(2) The report of each sale shall contain such information from the deed, and from the assessment record pertaining to the property transferred by the deed, as the Department shall determined to be useful in ascertaining the assessment upon the property as of the beginning of the fiscal year, and the free market valuation of the property.

(3) The Department shall determine a quota of such reports for each county, which may be allocated between town lots and farms and acreage, or among other classifications. The Department shall notify the county tax commissioner on or before April 1 of each year of the quota for his county. The reports of conveyances filed with the Department of the county tax commissioner shall consist of the first conveyances recorded in the given fiscal year which conform to the provisions of subsection (4) hereof, and which number not more than the quota assigned to the county in each classification.

(4) No report shall be filed by the county tax commissioner with respect to any transaction in any of the following groups: transactions which are the result of the same immediate family; transactions which are the result of bankruptcy, condemnation, or other involuntary proceeding; transfers of property not assessed for taxation; transfers of property which is materially different from the property assessed; transfers of property which had been assessed as of the beginning of a fiscal year to the grantee or a subsequent owner; transactions executed before the beginning of a fiscal year; and transactions with respect to which the price paid is not ascertainable within reasonable limits.

(5) The county tax commissioner shall be paid out of the State Treasury at the rate of fifteen cents for each conveyance for which he files the information in conformity with this section and with the requirements of the Department.

(6) If any county tax commissioner fails to file with the Department on or before August 1 of any year the reports of conveyances provided for in this section, he shall pay a penalty of one dollar for each day's delay during the month after August 1, which may be deducted by the Commonwealth from such sum as may be due or may become due the county tax commissioner for official duties.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	Adron Doran	M. Kavanaugh
Henry Arrowood	J. R. Dorman	G. M. Knuckles
F. H. Bassett, Jr.	Harry W. Ennis	J. T. Linton
W. G. Biggers	Franklin Goins	Homer E. Losey
Douglas T. Bolling	J. D. Gross	Johnston Miller
J. C. Bradley	R. M. Hall	Harry L. Moore
Jno. W. Burkhart	Claude Hammons	Herbert V. Moore
Chas. W. Burnley	B. C. Holbrook	J. Lee Moore
C. D. Call	Clyde S. Howard	L. D. Moore
Willis Champion	Jerry F. Howell	W. B. Moser
John H. Clarke, Jr.	W. H. Hunt	C. Sid Nabb
John Henry Cox	Lee Johnson	Joe E. Nunn
John P. Craig	Paul S. Jonas	Chester Peterson
Fred Creasey	Wm. E. Justice	Albert W. Pfeiffer

Sylvester Phillips	Carl Scheben	Geo. W. Steinford
J. Gip Prather	F. W. Schuhmann	Thos. M. Swope
L. W. Preston	Vernon Seaton	C. W. Taylor
Kleber F. Price	Leon J. Shaikun	Roy L. Taylor
Edw. P. Prichard	Jno. W. Simmons	John L. Trumbo
James E. Quill	Faust Y. Simpson	Harry F. Walters
L. Allen Rhoads	Robt. J. Spaulding	Taylor Witt
H. G. Royalty	E. A. Spencer	
Amos Runyon	Arthur Stallard	—67

Those who voted in the negative were—

Isaac Blevins	Pearl McKinney	H. Thieman, Jr.
T. H. Dyer	Coy C. Nevitt	Otis C. Thomas
J. J. Huff	C. R. Reeves	R. E. West
W. N. Hughes	George T. Smith	
A. L. Love	Joe Stewart	—13

Resolved that the title thereof be as aforesaid.

Mr. Quill moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 369. An Act relating to the legal adoption of persons and repealing of Section 391.080 Kentucky Revised Statutes, and providing for the inheritance to and from adopted parents and adopted children.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 391.080 be, and it is hereby, repealed, and in lieu thereof, there is hereby enacted as follows:

An adopted child shall be deemed, for all purposes of inheritance and succession, and for all other legal consequences and incidents of the natural relation of parents and children, the same to all intents and purposes as a child born in wedlock of such parents of such adoption, and the adopted parents of such adopted child shall inherit from such adopted child the same as if it were born in wedlock, and such adopted child shall inherit from the adopted parents, their ancestors, their descendants, collateral kin, next of kin, their heirs at law, the same as a child born in lawful wedlock, and such adopted child shall inherit from its adopted brothers and their descendants, sisters, and their descendants, grandparents and their ancestors and descendants, uncles, aunts, and their ancestors and descendants, cousins and their ancestors and descendants, and all other adopted relatives, the same as a child born in lawful wedlock, and such adopted relatives as hereinbefore enumerated, their ancestors and heirs, shall inherit from such adopted child the same as if such adopted child were born in lawful wedlock, except as to any property which might be inherited by said adopted child from its natural relatives, providing, however, that such property inherited from their natural relatives, on the death of such adopted child without lawful issue, shall be inherited only by its adopted parents and adopted brothers and sisters and their descendants, and if the adopted child dies without lawful issue, and is not survived by either of its adopted parents, or adopted brothers, or their descendants, or sisters, or their descendants, whatever property which may be remaining in kind at the time of its death shall descend to its natural relatives and other classes of adopted relatives, share and share alike, under Kentucky Revised Statutes 391.010 and 391.030. Nothing under the provisions of this Act shall prevent an adopted child from inheriting from its natural parents, their ancestors and descendants.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	Clyde S. Howard	Sylvester Phillips
Henry Arrowood	Jerry F. Howell	L. W. Preston
Isaac Blevins	J. J. Huff	Kleber F. Price
Douglas T. Bolling	W. N. Hughes	Edw. P. Prichard
J. C. Bradley	W. H. Hunt	James E. Quill
Jno. W. Burkhart	Lee Johnson	L. Allen Rhoads
Chas. W. Burnley	Paul S. Jonas	Wade H. Riley
C. D. Call	Wm. E. Justice	H. G. Royalty
Willis Champion	M. Kavanaugh	Amos Runyon
John H. Clarke, Jr.	G. M. Knuckles	Carl Scheben
John Henry Cox	J. T. Linton	F. W. Schuhmann
John P. Craig	Homer E. Losey	Jno. W. Simmons
Fred Creasey	Pearl McKinney	Faust Y. Simpson
Adron Doran	C. C. May	Robt. J. Spaulding
T. H. Dyer	Johnston Miller	E. A. Spencer
Bernie S. Edlin	Harry L. Moore	Geo. W. Steinford
Chas. B. Gentry	Herbert V. Moore	Joe Stewart
Franklin Goins	J. Lee Moore	C. W. Taylor
J. D. Gross	L. D. Moore	Egbert V. Taylor
R. M. Hall	W. B. Moser	John L. Trumbo
Jas P. Hallahan	C. Sid Nabb	Harry F. Walters
Claude Hammons	Joe E. Nunn	R. E. West
B. C. Holbrook	Chester Peterson	Taylor Witt
Benton Howard	Albert W. Pfeiffer	—71

Those who voted in the negative were—

A. Roy Copeland	C. R. Reeves	Otis C. Thomas
J. R. Dorman	H. Thieman, Jr.	—5

Resolved that the title thereof be as aforesaid.

Mr. Quill moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 292. An Act amending 7.020, 7.030, and 7.060 of the Kentucky Revised Statutes of 1942.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 7.020 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Legislative Council shall consist of eight Senators and eight Representatives. The eight Senators shall be appointed by the Lieutenant Governor, and the eight Representatives shall be appointed by the Speaker of the House of Representatives, at each regular session of the General Assembly. The Majority and Minority Floor Leaders in the Senate shall each submit a list of ten names to the Lieutenant sembly. The Majority and Minority Floor Leaders in the the House shall each submit a list of ten names to the Speaker of the House, and the members of the Council shall be appointed from said lists. The lists shall be submitted at least

ten days before the close of the regular session of the General Assembly. The Lieutenant Governor shall be Ex-Officio Member and Chairman of the Legislative Council, and the Speaker of the House of Representatives shall be Ex-Officio Member and Vice-Chairman. The party representation of the Council shall be in proportion generally to the relative members of the different political parties in each house of the General Assembly; but in no event shall the majority party be represented by more than five-eights of the members appointed from the House of Representatives, and by more than five-eights of the membesr appointed by the Senate.

(2) The appointed members shall hold office until the next regular session of the regular Assembly, or until their successors are appointed, except that if any House or Senate member appointed by the Council is not re-elected to their branch of the General Assembly, his term of office shall automatically end on the 15th day of November succeeding his election. The Lieutenant Governor and Speaker of the House shall continue to be Ex-Officio members of the Council until their successors are elected and qualified.

Section 2. Section 7.030 of the Kentucky Revised Statutes of 1942 is amended to read as follows:

A vacancy of the House appointees may be filled by the Speaker, and a vacancy of the Senate appointees may be filled by the Lieutenant Governor, whether or not the General Assembly is in session and without confirmation by either House. Vacancies arising by reason of a member of the Council not being re-elected as provided in Subsection (2) Kentucky Revised Statutes, 7.020, shall be filled from the list of those persons who will constitute the membership of the respective Houses of the General Assembly at its next regular session, whether such persons are newly elected, re-elected, or hold-over members. In filling vacancies, the party representation required by KRS 7.020 shall be maintained.

Section 3. Section 7.060 of the Kentucky Revised Statutes of 1942 is amended to read as follows:

Each officer, board, commission or department of the State government, including the University of Kentucky and the State Colleges, and each officer, board, commission, or department of any local government shall make such studies for the Council as it may require and as can be made within the limits of its appropriation in the preparation of a program of legislation or in regard to any matters of state-wide public importance within the jurisdiction of the Legislative Branch.

Mr. J. Lee Moore offered the following amendment to said bill, viz.:

Amend H. B. 292 by adding following line 10 of section 3, the following section:

Section 4. Subsection (1) of section 7.040 of the Kentucky Revised Statutes is amended to read as follows, viz.:

'(1) The Council shall meet on the second Monday in September immediately preceding each regular session of the General Assembly, and shall remain in session for such period of time as may be necessary to complete the performance of its duties, except that the session may be adjourned for such periods of time as will not interfere with the completion of the duties of the Council before the convening of the General Assembly, and except that the Council shall not remain in session for more than sixty days. Special meetings of the Council may be held at any time between the regular sessions of the General Assembly, but the total number of days the Council may be in session between regular sessions of the General Assembly, including both regular and special meetings, shall not exceed sixty days. Special meetings may be called by the chairman, and upon the written request of five members of the Council the chairman shall call a special meeting.

Said amendment was agreed to.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with and the same having been engrossed, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	Claude Hammons	Joe E. Nunn
Henry Arrowood	B. C. Holbrook	Chester Peterson
F. H. Bassett, Jr.	Benton Howard	Albert W. Pfeiffer
Isaac Blevins	Clyde S. Howard	Sylvester Phillips
Douglas T. Bolling	Jerry F. Howell	J. Gip Prather
J. C. Bradley	J. J. Huff	L. W. Preston
Jno. W. Burkhart	W. N. Hughes	Kleber F. Price
Chas. W. Burnley	W. H. Hunt	Edw. P. Prichard
C. D. Call	Lee Johnson	James E. Quill
Willis Champion	Paul S. Jonas	C. R. Reeves
John H. Clarke, Jr.	Wm. E. Justice	L. Allen Rhoads
A. Roy Copeland	G. M. Knuckles	H. G. Royalty
John Henry Cox	J. T. Linton	Amos Runyan
John P. Craig	Homer E. Losey	Carl Scheben
Adron Doran	A. L. Love	F. W. Schuhmann
T. H. Dyer	C. C. May	Vernon Seaton
Bernie S. Edlin	Johnston Miller	Leon J. Shaikun
Harry W. Ennis	Harry L. Moore	Jno. W. Simmons
Dr. J. C. Gabbard	Herbert V. Moore	Faust Y. Simpson
Chas. B. Gentry	J. Lee Moore	Robt. J. Spaulding
J. D. Gross	L. D. Moore	E. A. Spencer
R. M. Hall	W. B. Moser	Geo. W. Steinford
Jas P. Hallahan	C. Sid Nabb	Egbert V. Taylor

Roy L. Taylor	Harry F. Walters	Taylor Witt	
John L. Trumbo	R. E. West		—74

Those who voted in the negative were—

Fred Creasey	Jno. C. Newcomb	Joe Stewart	
H. Clay Kauffman	H. C. Patterson	Otis C. Thomas	
Pearl McKinney	George T. Smith		—8

Mr. J. Lee Moore offered the following amendment to the title of said bill, viz.:

Amend the title of H. B. 292 by inserting the number "7.040" following the number "7.030."

Said amendment was agreed to.

Resolved that the title thereof be as amended.

Mr. J. Lee Moore moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 379. An Act relating to revenue and taxation.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. Section 132.560 of the Kentucky Revised Statutes is hereby repealed and re-enacted to read as follows:

(1) The county tax commissioner shall upon the assessment schedule allow, household and personal property exemptions to a property owner with a family not to exceed two hundred and fifty dollars ($250). The exemption shall first be applied to property subject to both state and local tax rates and if the assessment of personal property subject to state and local rates is less than $250.00 the remaining portion of the exemption shall be applied to personal property subject to only a state rate.

(2) The county tax commissioner shall transfer from the assessment schedule to the tax roll only that portion of property assessments upon which ad valorem tax rates are applicable.

(3) Property owners assessed with personal property by the county board of supervisors shall be permitted the two hundred and fifty dollar ($250) household exemption in the same manner as outlined for the county tax commissioner.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	Willis Champion	Bernie S. Edlin
F. H. Bassett, Jr.	John H. Clarke, Jr.	Harry W. Ennis
Isaac Blevins	A. Roy Copeland	Dr. J. C. Gabbard
Douglas T. Bolling	John Henry Cox	J. D. Gross
J. C. Bradley	John P. Craig	Jas P. Hallahan
Jno. W. Burkhart	Fred Creasey	B. C. Holbrook
Chas. W. Burnley	Adron Doran	Benton Howard
C. D. Call	T. H. Dyer	Clyde S. Howard

Jerry F. Howell	C. Sid Nabb	Vernon Seaton
J. J. Huff	Coy C. Nevitt	Leon J. Shaikun
W. N. Hughes	Jno. C. Newcomb	Faust Y. Simpson
W. H. Hunt	Joe E. Nunn	Robt. J. Spaulding
Lee Johnson	H. C. Patterson	E. A. Spencer
Paul S. Jonas	Chester Peterson	Arthur Stallard
H. Clay Kauffman	Albert W. Pfeiffer	Geo. W. Steinford
M. Kavanaugh	Sylvester Phillips	Joe Stewart
G. M. Knuckles	J. Gip Prather	Egbert V. Taylor
J. T. Linton	L. W. Preston	Roy L. Taylor
Homer E. Losey	Edw. P. Prichard	H. Thieman, Jr.
A. L. Love	James E. Quill	John L. Trumbo
Pearl McKinney	C. R. Reeves	S. J. Wagner
Johnston Miller	L. Allen Rhoads	Harry F. Walters
Harry L. Moore	H. G. Royalty	R. E. West
Herbert V. Moore	Amos Runyon	Taylor Witt
L. D. Moore	Carl Scheben	
W. B. Moser	F. W. Schuhmann	—76

Those who voted in the negative were—

George T. Smith	Otis C. Thomas	—2

Resolved that the title thereof be as aforesaid.

Mr. Quill moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 365. An Act relating to the operation of vehicles upon city streets.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 92.320 of the Kentucky Revised Statutes is amended to read as follows:

Any person having a license to operate a vehicle in the city in which he resides or has his principal place of business may also, for the purpose of doing business incidental to his principal business, operate the vehicle upon the streets of any other city without paying any additional license fee to such other city, but such license shall not authorize him to establish his principal place of business or conduct his principal business in any city except the one that granted his license.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Henry Arrowood	J. R. Dorman	Paul S. Jonas
F. H. Bassett, Jr.	T. H. Dyer	Wm. E. Justice
Douglas T. Bolling	Chas. B. Gentry	M. Kavanaugh
Jno. W. Burkhart	Franklin Goins	G. M. Knuckles
Chas. W. Burnley	J. D. Gross	Homer E. Losey
Willis Champion	Jas P. Hallahan	Harry L. Moore
John H. Clarke, Jr.	B. C. Holbrook	Herbert V. Moore
A. Roy Copeland	Benton Howard	J. Lee Moore
John Henry Cox	Clyde S. Howard	W. B. Moser
John P. Craig	Jerry F. Howell	C. Sid Nabb
Fred Creasey	J. J. Huff	Joe E. Nunn

Chester Peterson	F. W. Schuhmann	Geo. W. Steinford
J. Gip Prather	Vernon Seaton	Egbert V. Taylor
James E. Quill	Leon J. Shaikun	S. J. Wagner
L. Allen Rhoads	Jno. W. Simmons	R. E. West
H. G. Royalty	Faust Y. Simpson	Taylor Witt
Carl Scheben	Robt. J. Spaulding	—50

Those who voted in the negative were—

Lee Johnson	George T. Smith	H. Thieman, Jr.
L. D. Moore	E. A. Spencer	Otis C. Thomas
C. R. Reeves	Arthur Stallard	John L. Trumbo
		—9

Resolved that the title thereof be as aforesaid.

Mr. Quill moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 372. An Act relating to compensation for city officers of cities of the fifth class.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section I. Section 87.200 of the Kentucky Revised Statutes is amended to read as follows: Members of the City Council of cities of the Fifth Class may receive such compensation as is fixed by ordinance, not exceeding the sum of Fifty ($50.00) Dollars per month, and the Mayor such compensation as is

fixed by ordinance, not exceeding the sum of Seventy-five ($75.00) Dollars per month; and the Clerk, Treasurer, Assessor and City Attorney of such city shall each receive such compensation as is fixed by ordinance, which compensation shall not be changed after their appointment or during their term of office. Nothing herein contained shall prevent the City Council from fixing such compensation in the first instance, during the term of office of such officer or after his election. The compensation of all other officers shall be fixed from time to time by the City Council.

Mr. Peterson offered the following amendment to said bill, viz.:

Amend H. B. 372 on page 1, section 1, line 4 by inserting before the word "not" in line 4 the following "not exceeding two dollars for each regular meeting attended by them, and the mayor such compensation as is fixed by ordinance, not exceeding seventy-five dollars per annum, except that in any city of the fifth class located in a county having a population of 200,000 or more, the members of the council shall receive such compensation as is fixed by ordinance."

Said amendment was agreed to.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with and the same having been engrossed, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	Claude Hammons	Chester Peterson
Henry Arrowood	B. C. Holbrook	Albert W. Pfeiffer
F. H. Bassett, Jr.	Benton Howard	Sylvester Phillips
Douglas T. Bolling	Clyde S. Howard	Kleber F. Price
Jno. W. Burkhart	Jerry F. Howell	Edw. P. Prichard
Chas. W. Burnley	W. H. Hunt	James E. Quill
C. D. Call	Lee Johnson	L. Allen Rhoads
Willis Champion	Paul S. Jonas	Carl Scheben
Jno. H. Clarke, Jr.	H. Clay Kauffman	F. W. Schuhmann
A. Roy Copeland	G. M. Knuckles	Vernon Seaton
John Henry Cox	J. T. Linton	Leon J. Shaikun
John P. Craig	A. L. Love	Jno. W. Simmons
Adron Doran	C. C. May	Faust Y. Simpson
J. R. Dorman	Johnston Miller	E. A. Spencer
Bernie S. Edlin	Harry L. Moore	Geo. W. Steinford
Harry W. Ennis	Herbert V. Moore	H. Thieman, Jr.
Franklin Goins	J. Lee Moore	Taylor Witt
R. M. Hall	C. Sid Nabb	
Jas P. Hallahan	Joe E. Nunn	—55

Those who voted in the negative were—

J. J. Huff	Jno. C. Newcomb	Joe Stewart
Wm. E. Justice	C. R. Reeves	Otis C. Thomas
Homer E. Losey	Amos Runyon	R. E. West
Pearl McKinney	Robt. J. Spaulding	
L. D. Moore	Arthur Stallard	—13

Resolved that the title thereof be as aforesaid.

Mr. Quill moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 114. An Act relating to revenue and taxation.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 132.360, and subsection (7) of section 132.990, of the Kentucky Revised Statutes are repealed.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	Chas. B. Gentry	Homer E. Losey
F. H. Bassett, Jr.	Franklin Goins	A. L. Love
Douglas T. Bolling	R. M. Hall	Pearl McKinney
J. C. Bradley	Jas P. Hallahan	Johnston Miller
Jno. W. Burkhart	B. C. Holbrook	Harry L. Moore
Chas. W. Burnley	Benton Howard	Herbert V. Moore
C. D. Call	Clyde S. Howard	J. Lee Moore
Jno. H. Clarke, Jr.	Jerry F. Howell	W. B. Moser
A. Roy Copeland	W. H. Hunt	C. Sid Nabb
John Henry Cox	Paul S. Jonas	Jno. C. Newcomb
John P. Craig	Wm. E. Justice	Joe E. Nunn
Fred Creasey	H. Clay Kauffman	Chester Peterson
Adron Doran	M. Kavanaugh	Albert W. Pfeiffer
Harry W. Ennis	J. T. Linton	J. Gip Prather

L. W. Preston	F. W. Schuhmann	Thos. M. Swope
Kleber F. Price	Leon J. Shaikun	C. W. Taylor
Edw. P. Prichard	Jno. W. Simmons	Roy L. Taylor
James E. Quill	Faust Y. Simpson	H. Thieman, Jr.
C. R. Reeves	George T. Smith	John L. Trumbo
L. Allen Rhoads	Robt. J. Spaulding	S. J. Wagner
H. G. Royalty	E. A. Spencer	Harry F. Walters
Amos Runyan	Geo. W. Steinford	R. E. West
Carl Scheben	Joe Stewart	Taylor Witt

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Those who voted in the negative were—

J. J. Huff Otis C. Thomas —2

Resolved that the title thereof be as aforesaid.

Mr. Clyde Howard moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 183. An Act relating to officers and employes of the Department of Highways.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. No officer or employe of the Department of Highways shall be pecuniarily or otherwise interested in any contract for the construction, reconstruction, repair or maintenance of any highway or bridge of this state, or any part thereof, nor in any contract for materials for such work; nor shall any such

officer or employe be in any way connected with or interested in any corporation or person bidding on or holding any contract for the construction, reconstruction, repair or maintenance or any highway or bridge of this state, or any part thereof.

§ 2. Any person violating the provisions of section one of this Act shall be fined not less than one thousand nor more than five thousand dollars, and upon proof or conviction of violation he shall be removed from office by the appointing authority.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

F. H. Bassett, Jr.	Clyde S. Howard	Edw. P. Prichard
Douglas T. Bolling	Jerry F. Howell	James E. Quill
Jno. W. Burkhart	Paul S. Jonas	C. R. Reeves
Chas. W. Burnley	M. Kavanaugh	L. Allen Rhoads
C. D. Call	J. T. Linton	H. G. Royalty
John H. Clarke, Jr.	Homer E. Losey	Amos Runyon
A. Roy Copeland	A. L. Love	Vernon Seaton
John Henry Cox	J. Lee Moore	Leon J. Shaikun
John P. Craig	W. B. Moser	Faust Y. Simpson
Fred Creasey	C. Sid Nabb	Geo. W. Steinford
Adron Doran	Jno. C. Newcomb	Thos. M. Swope
J. R. Dorman	Joe E. Nunn	Roy L. Taylor
Harry W. Ennis	J. Gip Prather	S. J. Wagner
Franklin Goins	L. W. Preston	Harry F. Walters
Benton Howard	Kleber F. Price	

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Those who voted in the negative were—

Chas. W. Anderson	Wm. E. Justice	Arthur Stallard
Isaac Blevins	H. Clay Kauffman	Joe Stewart
T. H. Dyer	Coy C. Nevitt	C. W. Taylor
Bernie S. Edlin	Albert W. Pfeiffer	Egbert V. Taylor
Dr. J. C. Gabbard	Sylvester Phillips	H. Thieman, Jr.
Chas. B. Gentry	Carl Scheben	Otis C. Thomas
J. D. Gross	F. W. Schuhmann	John L. Trumbo
Jas P. Hallahan	Jno. W. Simmons	R. E. West
J. J. Huff	George T. Smith	Taylor Witt
W. N. Hughes	Robt. J. Spaulding	
Lee Johnson	E. A. Spencer	—31

Resolved that the title thereof be as aforesaid.

Mr. Quill moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 26. An Act to amend Sec. 147 of the Constitution of Kentucky so as to permit persons to vote by filing ballot with County Clerk.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That upon concurrence of the three-fifths of all members elected to each House, the Yeas and Nays be taken thereon and entered in full in their respective journals, Section One Hundred and Forty-Seven of the Constitution be, and is amended and revised so it shall read as follows:

The General Assembly shall provide by law for the registration of all persons entitled to vote in cities and towns having a population of five thousand or more; and may provide by general law for the registration of other voters in the State. Where registration is required, only persons registered shall have the right to vote. The mode of registration shall be prescribed by the General Assembly. In all elections by persons in a representative capacity, the voting shall be viva voce and made a matter of record; but all elections by the people shall be by secret official ballot, furnished by public authority to the voters at the polls, and marked by each voter in private at the polls, and then and there deposited, or any person absent from the county of his legal residence, or from the state, may be permitted to vote in a manner provided by law.

Mr. Quill offered the following amendment to said bill, viz.:

Amend H. B. 26 in House on page 2, line 18 by adding, after "law." in line 18, the following:

"Counties so desiring may use voting machines, these machines to be installed at the expense of such counties. The word "elections" in this section includes the decision of questions submitted to the voters, as well as the choice of officers by them. The General Assembly shall pass all necessary laws to enforce this section, and shall provide that persons illiterate, blind, or in any way disabled may have their ballots marked or voted as herein required."

Said amendment was agreed to.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with, said bill was read the third time by its title only and passed, as amended.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson
F. H. Bassett, Jr.
Isaac Blevins
Douglas T. Bolling
J. C. Bradley
Jno. W. Burkhart
Chas. W. Burnley
C. D. Call
John H. Clarke, Jr.
A. Roy Copeland
John Henry Cox
John P. Craig
Fred Creasey
Adron Doran
J. R. Dorman
T. H. Dyer
Harry W. Ennis
Dr. J. C. Gabbard
Franklin Goins
J. D. Gross
R. M. Hall
Claude Hammons
B. C. Holbrook
Benton Howard
Clyde S. Howard
Jerry F. Howell
J. J. Huff
W. N. Hughes
W. H. Hunt
Lee Johnson
Paul S. Jonas
Wm. E. Justice
H. Clay Kauffman
M. Kavanaugh
J. T. Linton
Homer E. Losey
A. L. Love
Pearl McKinney
C. C. May
Herbert V. Moore
J. Lee Moore
L. D. Moore
W. B. Moser
C. Sid Nabb
Coy C. Nevitt
Jno. C. Newcomb
Joe E. Nunn
H. C. Patterson
Chester Peterson
Albert W. Pfeiffer
Sylvester Phillips
J. Gip Prather
L. W. Preston
Kleber F. Price
Edw. P. Prichard
James E. Quill
C. R. Reeves
L. Allen Rhoads
Wade H. Riley
H. G. Royalty
Amos Runyan
Carl Scheben
F. W. Schuhmann
Vernon Seaton
Leon J. Shaikun
Jno. W. Simmons
Faust Y. Simpson
Robt. J. Spaulding
E. A. Spencer
Geo. W. Steinford
Joe Stewart
Thos. M. Swope
C. W. Taylor
Egbert V. Taylor
Roy L. Taylor
John L. Trumbo
S. J. Wagner
Harry F. Walters
R. E. West
Taylor Witt
Speaker Harry Lee Waterfield

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There voted in the negative—

George T. Smith

—1

Mr. Quill offered the following amendment to the title of said bill, viz.:

Amend the title to S. B. 26 in House by adding at the end thereof the following:

"This Act shall be known as the Blake, Swope, Moore and Howard Act."

Said amendment was agreed to.

Mr. Quill moved that the vote by which said bill was passed as amended, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 27. An Act relating to Game and Fish with particular reference to the organization, personnel and functions of the state agency to be charged with administration of the laws relating to Game and Fish.

With Committee Amendments thereto.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. The following sections of the statutes are created to constitute a part of Chapter 150 of the Kentucky Revised Statutes and to read and be numbered as follows:

150.021. (1) There is created an agency of the State Government to be known as the Division of Game and Fish,

which shall constitute an independent agency of the State Government within the meaning of Chapter 12 of the Kentucky Revised Statutes. The Division shall consist of a game and fish commission, a director, and such conservation officers and other agents and employees as are provided for in this chapter. The division shall enforce the laws relating to wild life and exercise all necessary powers incident thereto.

(2) The word sportsmen as used in this act shall mean a resident hunter or fishermen licensed in Kentucky each year for the past two consecutive years.

150.022 (1) The Game and Fish Commission shall consist of nine members, one from each Congressional District, and not more than five of the same political party.

(2) The Governor shall appoint the members of the Commission. Of the first Commission appointed, two members shall be appointed for terms of one year, two for two years, two for three years, and three for four years, and thereafter as their respective terms expire, their successors shall be appointed for four-year terms.

(3) The first Game and Fish Commission appointed after the effective date of this Act shall be appointed in the following manner: The Director of the Division of Game and Fish in the Department of Conservation, in the office as of the effective date of this Act, shall within thirty days after the effective date of this Act, call a meeting of the sportsmen in each of the Congressional Districts of the State. Notice of the meetings shall be published at least two times in a newspaper of state-wide circulation at least thirty days previous to the meetings. At the meeting in each district, the sportsmen in attendance shall select three residents and citizens of the district, who are well informed on the subject of wild life conservation and restoration, and recommend such persons to the Governor for appointment to the Game

and Fish Commission. The Governor shall appoint the members of the first Game and Fish Commission from the names so submitted, within sixty days after the effective date of this Act. Until such time as the first Game and Fish Commission appointed under the provisions of this Act have met and organized, the Division of Game and Fish in the Department of Conservation, as constituted on the effective date of this Act, shall continue to function.

(4) Vacancies through expiration of terms of the members of the commission shall be filled by appointment by the Governor from a list of three names from each Congressional District, recommended and submitted by the sportsmen of the respective districts. When the term of a member expires, the Director shall call a meeting of the sportsmen in that district not later than thirty days prior to the expiration of the term of the member whose term expires in that year. Notice of the meeting shall be given by publication at least two times in a newspaper having state-wide circulation, at least thirty days previous to the day set for the meeting. At such meeting, the sportsmen in attendance shall select and recommend to the Governor a list of five residents and citizens of the district who are well informed on the subject of wild life conservation and restoration.

(5) In the case of vacancies other than expirations, the Governor shall fill the vacancy for the unexpired part of the term from the names remaining on the list last previously submitted for the district with regard to which the vacancy exists.

(6) Each commissioner shall take the constitutional oath of office, and shall give bond in the sum of one thousand dollars, which shall be filed in the office of the Secretary of State. The premiums on such bonds shall be paid out of the Game and Fish Fund.

(7) The Governor shall remove a commissioner for inefficiency, neglect of duty, or misconduct in office, delivering to him a copy of all charges and affording him an opportunity of being publicly heard in person or by counsel in his own defense, upon not less than ten days' notice. If a commissioner shall be removed, the Governor shall file in the office of the Secretary of State a complete statement of all charges made against such commissioner and his findings thereon, together with a complete record of the proceedings.

(8) Each commissioner shall be entitled to reimbursement for actual and necessary traveling and other expenses made by him in the discharge of his official duties, such expense not to exceed five hundred dollars per annum for each member, and to be paid from the Game and Fish Fund.

(9) A majority of the commission shall constitute a quorum for the transaction of any business, for the performance of any duty, or the exercise of any power of which they are invested.

(10) The Division shall have its principal office in Frankfort, Kentucky, and is authorized to purchase all supplies, equipment and printed forms, and to issue such notices and publications as the Director may deem necessary to carry out the provisions of this chapter.

150.023 (1) The members of the commission shall meet in Frankfort within 30 days after their appointment and shall organize by electing from their membership a chairman and other officers. The commission shall thereafter meet quarterly, or as often as may be necessary for the transaction of business, upon reasonable notice to each member of such meetings.

(2) The commission shall conduct Civil Service Examinations for all employees of the Division.

(3) The commission shall at all times keep a watchful eye over the Division of Game and Fish, and advise the Director to take such action as may be beneficial to the division in the interest of wild life and conservation of natural resources.

(4) The Director, with approval of the commission, shall establish such bureaus and subdivisions, and shall employ such experts, clerks and other employees as he deems necessary for the conduct of the work of the division, and shall fix the compensation of all employees of the division, to be paid out of the Game and Fish Fund.

(5) The Director, with approval of the commission, shall authorize such scientific and other studies as he deems necessary, and shall collect, classify and disseminate such statistics, data and information as in his discretion will tend to promote the objects of this chapter.

(6) The Director, with approval of the commission shall have the exclusive power to expand for the protection, conservation, propagation, and restoration of game, birds, fish and fur bearing animals, all funds of the state acquired for the protection, conservation, propagation or restoration of birds, animals, or fish, arising from licenses, gifts, or otherwise.

150.024 (1) The division shall have the right to acquire such property as is necessary in the carrying out of the purpose of this Act and shall have the right of eminent domain as provided in KRS 416.010 to 416.080 inclusive.

150.061 (1) Upon the organization of the commission, the commission shall appoint a director of the Division of Game and Fish, who shall be a man with knowledge of and experience in the requirements for the protection, conservation and restoration of the wild life resources of the state.

The director shall serve for an indefinite term, subject to removal by the commission for the same causes and in the same manner in which the Governor may remove a commissioner.

(2) The director shall receive such compensation as the commission may determine, and shall be reimbursed for all actual and necessary traveling and other expenses incurred by him in the discharge of his official duties.

(3) Before entering upon the duties of his office the director shall take and subscribe to the constitutional oath of office, and shall, in addition thereto, swear or affirm that he holds no other public office, nor any position under any political committee or party.

(4) The director shall execute and file with the Secretary of State a bond in the sum of five thousand dollars. The premium on such bond shall be paid from the Game and Fish Fund.

(5) The director shall have general supervision and control of all activities, functions, and employees of the Division of Game and Fish. He shall enforce all the provisions of the laws of the state relating to wild animals, birds and fish, and shall exercise all necessary powers incident thereto not specifically conferred on the commission. The director shall make an annual report of all receipts and disbursements to the League of Kentucky Sportsmen.

150.071 (1) The members of the Game and Fish Commission shall constitute, ex officio, a Civil Service Commission for the Division of Game and Fish.

(2) The commission shall prescribe, propound, and conduct such examinations as are properly commensurate with positions within the Division of Game and Fish.

(3) The time and place for holding such examinations shall be fixed by the commission, and notice thereof shall be given at least ten days prior to the fixed date by announcements through all leading state papers, through press releases, and through distribution in any other manner the commission may deem necessary. Such announcements shall state the time and place, the qualifications required of applicants, and pertinent facts relative to positions to be filled.

(4) The commission shall, as soon after all examinations as practical, grade the applicants and certify to the director an eligible list of all applicants so examined who have made passing grade. The one possessing the highest average grade shall be listed first and all others shall be listed numerically according to the result of the examinations.

150.072 (1) All appointments in the Division of Game and Fish shall be made by the director from the three highest names on the eligible list provided for in KRS 150.071.

(2) No appointment shall be made to any position in the Division of Game and Fish save from the eligible list provided for in subsection (4) of KRS 150.071.

(3) Whenever the director shall determine an emergency exists, he is empowered to make emergency appointments. Such appointments need not come from the eligible list. In no case shall any emergency period exceed 90 days.

150.081 While retaining the right to vote as he may please and to express privately his opinion of all political subjects, no employee or officer of the Division of Game and Fish, including the director, superintendent of hatcheries, and superintendent of conservation officers, shall take any active part in political management or political campaign, nor shall he use his official authority or influence for the purpose of interfering with an election or effecting the result

thereof, or for the purpose of coercing the political action of any person or body.

150.082 All conservation officers shall be required to wear full uniform at all times when on duty, such clothing to be in accordance with the regulations of the director and the commission, the division to pay one-half the cost of the first uniform, the officer the balance, and thereafter supplying his own.

150.083 (1) For violation of orders or failure to perform duties, the director may suspend any employee or conservation officer for a period of time not to exceed two months, or may impose a fine of not more than two months pay, or impose both suspension and fine. Conservation officers may also be demoted for violation of orders. For a second or subsequent violation of orders or failure to perform his duties, the accused shall be dismissed by the director.

150.095 Conservation officers are authorized to keep and bear arms in the same manner as all other peace officers, and to exercise the use of such arms as may be necessary in the exercise of their duties.

150.105 (1) Notwithstanding any other provisions of this chapter, the director may, with the approval of the commission, authorize conservation officers or any other person to destroy or bring under control in such manner as he deems necessary, any wild animals, fish, or wild birds, protected or unprotected, which are causing damage to persons, property, or other animals, fish or birds, and which in his judgment should be eliminated or controlled to prevent further damage.

(2) Subsections (3) and (6) of section 150.010 of the Kentucky Revised Statutes are amended to read as follows:

(3) "Commission" means the Game and Fish Commission.

(6) "Division" means the Division of Game and Fish.

(3) Sections 150.020, 150.030, 150.040, 150.050, 150.060, and 150.070 of the Kentucky Revised Statutes are repealed.

(4) Section 150.080 of the Kentucky Revised Statutes is amended to read as follows:

(1) The director may appoint from the eligible list provided for in subsection (4) of KRS 150.071, as many conservation officers as may be required to efficiently enforce the game and fish laws in accordance with this chapter.

(2) Before discharging his official duties, each conservation officer shall give bond in the sum of five hundred dollars, with two or more sureties approved by the director. The bond shall be filed in the office of the Secretary of State.

(5) Section 150.240 of the Kentucky Revised Statutes is amended to read as follows:

The director, with the approval of the commission may contract with any land-owner of the state, for a specified term of years, to set aside and maintain land as a game refuge. The contracts may be recorded in the county clerk's office.

(6) Section 146.010 of the Kentucky Revised Statutes is amended to read as follows:

1. The Department of Conservation shall exercise all administrative functions of the State relating to:

(a) The operation and maintenance of parks and museums, except those allocated to the Department of Library and Archives;

(b) The conservation and protection of natural resources, except wildlife; and

(c) The publicizing of natural resources, agricultural, commercial and industrial development, and tourist attractions.

(2) The Department of Conservation may exercise the right of eminent domain as provided in KRS 148.060 and 148.070.

(7) Section 146.020 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Department of Conservation shall be headed by a Commissioner of Conservation, who shall receive an annual salary of four thousand dollars.

(2) The Department shall be divided into a Division of Parks, a Division of Forestry, a Division of Publicity, and a Division of Archeology.

(8) Section 146.030 of the Kentucky Revised Statutes is repealed.

(9) Nothing in this chapter is intended to prevent the division from decreasing the number of employees, when in the opinion of the commission and the director it is necessary for the efficient operation of the Division. When the numbers are so decreased, the youngest in point of service shall be the first to be released and shall be placed at the head of the eligible list in the order of their seniority.

(10) For the purpose of carrying into effect the provisions of this Act, any appropriations or funds made or available to the Division of Game and Fish as now constituted under the Department of Conservation by present session of

the General Assembly, and any unencumbered balance of appropriations or funds to such Division of Game and Fish as now constituted under the Department of Conservation for the fiscal year 1943-44, shall be transferred to and become available to the Division of Game and Fish established under this Act.

Said Committee amendments are as follows, viz.:

1. Amend S. B. 27 in House on page 2, section 1 line 30 by striking the word "three" and inserting in lieu thereof the word "five".

2. Amend S. B. 27 in House on page 2, section 1 line 18 by striking the word "three" and inserting in lieu thereof the word "five".

Said amendments were each agreed to.

Mr. Newcomb offered the following amendment to said bill, viz.:

Amend S. B. 27 in House on page 7 by striking out all of Section 150.082.

Said amendment was agreed to.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with, said bill was read the third time by its title only and passed, as amended.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	W. H. Hunt	James E. Quill
Douglas T. Bolling	Lee Johnson	C. R. Reeves
J. C. Bradley	Paul S. Jonas	H. G. Royalty
Jno. W. Burkhart	Wm. E. Justice	Amos Runyon
Chas. W. Burnley	M. Kavanaugh	Carl Scheben
C. D. Call	Homer E. Losey	F. W. Schuhmann
Jno. H. Clarke, Jr.	A. L. Love	Vernon Seaton
A. Roy Copeland	Pearl McKinney	Leon J. Shaikun
John Henry Cox	Johnston Miller	Jno. W. Simmons
John P. Craig	Harry L. Moore	Faust Y. Simpson
Adron Doran	J. Lee Moore	E. A. Spencer
J. R. Dorman	W. B. Moser	Joe Stewart
Harry W. Ennis	C. Sid Nabb	Thos. M. Swope
Chas. B. Gentry	Jno. C. Newcomb	Egbert V. Taylor
Franklin Goins	Joe E. Nunn	Roy L. Taylor
R. M. Hall	Chester Peterson	H. Thieman, Jr.
Claude Hammons	Albert W. Pfeiffer	S. J. Wagner
Benton Howard	Sylvester Phillips	Harry F. Walters
Clyde S. Howard	J. Gip Prather	R. E. West
Jerry F. Howell	L. W. Preston	Taylor Witt
J. J. Huff	Kleber F. Price	
W. N. Hughes	Edw. P. Prichard	—64

Those who voted in the negative were—

T. H. Dyer	J. T. Linton	Robt. J. Spaulding
Dr. J. C. Gabbard	Herbert V. Moore	Arthur Stallard
J. D. Gross	Coy C. Nevitt	Geo. W. Steinford
Jas. P. Hallahan	H. C. Patterson	Otis C. Thomas
B. C. Holbrook	George T. Smith	John L. Trumbo

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Resolved that the title thereof be as aforesaid.

Mr. Quill moved that the vote by which said bill was passed, as amended be reconsidered, and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 23. An Act providing for the taking of the sense of the people of the State as to the necessity and expediency of calling a convention for the purpose of revising or amending the Constitution of the Commonwealth, and such amendments as may have been made to same as provided by Section 258 of the present Constitution of Kentucky.

Said bill is as follows, viz.:

§ 1. That the sense of the people of the State as to the necessity and expediency of calling a convention for the purpose of revising or amending the present Constitution, and such amendments as may have been made to the same, shall be taken as herein provided and as provided by section 258 of the present Constitution of Kentucky.

§ 2. When this Act is passed at the present session of the General Assembly by a majority of all members elected to each house of the present General Assembly, that is when a majority of all the members of each house shall concur by a yea and nay vote, to be entered upon their respective Journals, this Act shall be spread upon the respective Journals of each house as a law.

§ 3. If the next session of the General Assembly shall, in like manner concur in this Act after it becomes a law as herein provided, it shall provide for having a poll opened in each voting precinct in this state by the officers provided by law for holding general elections at the next ensuing regular election to

be held for State officers or members of the House of Representatives, which does not occur within ninety days from the final passage of such law, at which time and place the votes of the qualified voters shall be taken for and against calling the convention, in the same manner provided by law for taking votes in other State elections. The vote for and against said proposition shall be certified to the Secretary of State by the same officers and in the same manner as in State elections. If it shall appear that a majority voting on the proposition was for calling a convention, and if the total number of votes for the calling of the convention is equal to one-fourth of the number of qualified voters who voted at the last preceding general election in this State, the Secretary of State shall certify the same to the General Assembly at its next regular session, at which session a law shall be enacted calling a convention to readopt, revise or amend the present Constitution of this State, and such amendments as may have been made thereto.

Section 4. That before any constitution agreed upon by said convention shall take effect or become operative, the same shall be submitted to the qualified voters of this commonwealth, after at least ninety days' notice, and ratified by a majority of those voting.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	J. C. Bradley	Chas. W. Burnley
F. H. Bassett, Jr.	Jno. W. Burkhart	C. D. Call

Jno. H. Clarke, Jr.	Wm. E. Justice	Kleber F. Price
A. Roy Copeland	H. Clay Kauffman	Edw. P. Prichard
John Henry Cox	M. Kavanaugh	James E. Quill
John P. Craig	J. T. Linton	C. R. Reeves
Fred Creasey	Homer E. Losey	H. G. Royalty
Adron Doran	A. L. Love	Amos Runyon
J. R. Dorman	Pearl McKinney	Carl Scheben
T. H. Dyer	C. C. May	F. W. Schuhmann
Dr. J. C. Gabbard	Johnston Miller	Vernon Seaton
Chas. B. Gentry	Harry L. Moore	Jno. W. Simmons
Franklin Goins	Herbert V. Moore	Faust Y. Simpson
J. D. Gross	J. Lee Moore	Geo. W. Steinford
Claude Hammons	L. D. Moore	Joe Stewart
B. C. Holbrook	W. B. Moser	Thos. M. Swope
Benton Howard	C. Sid Nabb	Roy L. Taylor
Clyde S. Howard	Joe E. Nunn	H. Thieman, Jr.
J. J. Huff	Chester Peterson	S. J. Wagner
W. N. Hughes	Albert W. Pfeiffer	Taylor Witt
W. H. Hunt	Sylvester Phillips	Speaker Harry
Lee Johnson	J. Gip Prather	Lee Waterfield
Paul S. Jonas	L. W. Preston	—67

Those who voted in the negative were—

Arthur Stallard	Harry F. Walters	R. E. West

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Resolved that the title thereof be as aforesaid.

Mr. Quill moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 38. An Act providing for persons living in cities of the fifth or sixth classes to demand of county school board to place their property in a certain school district.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) Wherever any territory in any municipality of the Fifth or Sixth Class, or any territory which may become incorporated in any such municipality, is located in a county school district, the Owners of real property in such territory are given the right to demand of the Board of Education of the county school district in which their property is located that said property should be placed in and become a part of the school district in which the greater part of said municipality is located and embraced; whether said school district be a county or independent school district.

(2) If 75 per cent of the owners of real property located in any territory in a county school district shall present a written petition to the Board of Education of the school district in which their property is located demanding of said Board of Education that their property be placed in another school district, the Board of Education of the school district in which said property is located shall proceed at once to place said property in the school district as demanded by said petitioners.

(3) The Board of Education of the recipient school district shall first give their consent and approval to the demand made by the petitioners, and by giving said consent and approval will indicate thereby that they favor and request the territory to be placed in and annexed to said recipient school district; said approval and consent shall be made by the counter signing of the Petition by the Chairman of the Board of Education of the recipient school district or by a majority of the Board

of Education of said recipient school district signing said petition.

(4) Should the Board of Education of the school district of which the demand is made for the transfer of certain property as set out in Section 1 of this Act, refuse to comply with the request presented by the petition as set out in Sections 2 and 3 of this Act, the property owners who have signed said petition, or one or more of them on behalf of all of said property owners may resort to the Circuit Court of the County in which said property is located and may proceed by mandamus or other procedure.

(5) The purpose of this Act is to enable all property located within any municipally incorporated territory to be placed in one school district as such procedure tends to promote school and civic spirit.

Mr. Quill offered the following amendment to said bill, viz.:

Amend S. B. 38 by striking from line 1, paragraph 2, the word "any" and inserting in lieu thereof the word "such".

Said amendment was agreed to.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with, said bill was read the third time by its title only and passed, as amended.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	Isaac Blevins	Jno. W. Burkhart
F. H. Bassett, Jr.	Douglas T. Bolling	Chas. W. Burnley

C. D. Call	J. T. Linton	Carl Scheben
Jno. H. Clarke, Jr.	Homer E. Losey	F. W. Schuhmann
A. Roy Copeland	A. L. Love	Vernon Seaton
John Henry Cox	Pearl McKinney	Leon J. Shaikun
John P. Craig	Johnston Miller	Jno. W. Simmons
Fred Creasey	Harry L. Moore	Faust Y. Simpson
Adron Doran	Herbert V. Moore	George T. Smith
J. R. Dorman	J. Lee Moore	E. A. Spencer
T. H. Dyer	W. B. Moser	Geo. W. Steinford
Bernie S. Edlin	C. Sid Nabb	Joe Stewart
Franklin Goins	Chester Peterson	Thos. M. Swope
Claude Hammons	Albert W. Pfeiffer	C. W. Taylor
B. C. Holbrook	Sylvester Phillips	Roy L. Taylor
Benton Howard	J. Gip Prather	H. Thieman, Jr.
Clyde S. Howard	L. W. Preston	S. J. Wagner
Jerry F. Howell	Kleber F. Price	Harry F. Walters
Lee Johnson	Edw. P. Prichard	R. E. West
Paul S. Jonas	James E. Quill	Taylor Witt
H. Clay Kauffman	C. R. Reeves	
M. Kavanaugh	H. G. Royalty	—64

Those who voted in the negative were—

Dr. J. C. Gabbard	L. D. Moore	Arthur Stallard
W. N. Hughes	Amos Runyon	Otis C. Thomas
Wm. E. Justice	Robt. J. Spaulding	—8

Mr. Quill moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

A message was received from the Senate announcing that they had passed bills which originated in this House entitled:

H. B. 262. An Act relating to airports in counties containing a city of the first class.

H. B. 370. An Act to aid in the enforcement of the National Wartime Stabilization program, etc.

H. B. 97. An Act to make additional appropriations out of the General Fund to the Department of Finance, Department of Welfare, Division of the Public Assistance, etc.

H. B. 182. An Act to provide free hunting licenses to persons over sixty-five years of age.

H. B. 295. An Act to increase fees allowed jailers for keeping prisoners.

H. B. 380. An Act to impose a fine of persons obtaining newspapers from persons under eighteen years of age with payment.

H. B. 320. An Act to make Kentucky's insurance laws uniform.

H. B. 145. An Act to fix salaries of deputy court clerks in counties containing city of second class.

H. B. 289. An Act relating to railroads.

H. B. 206. An Act to give certain exemptions to corporations who invest in War Bonds.

H. B. 377. An Act relating to parole of prisoners.

H. B. 116. An Act to authorize the Division of State Parks to acquire as a State Park the Simon Boliver Buckner Farm.

H. Res. 38. An Act to authorize Earl Dacon and others to sue the Commonwealth.

Ordered that said bills and resolution be delivered to the Enrolling Clerk of this House.

And that they had passed a resolution which originated in this House, entitled:

H. Res. 59. Resolution authorizing suits against the Commonwealth.

With an amendment thereto as proposed and adopted by the Senate.

(For resolution see House Journal of March 6)

Said amendment as proposed and adopted by the Senate is as follows, viz.:

Amend H. Res. 59 by striking therefrom the following:

All of lines 10, 11, 12 and 13 on page 1, all of lines 47, 48, 49, 50, 51, 52 on page 3, all of lines 27, 28, 29, 30, 31 and 32 on page 2.

Mr. Quill moved that the House do now refuse on concur in said amendment.

Said motion was agreed to, and the House refused to concur in said amendments.

Ordered that Chief Clerk report the action of the House to the Senate.

And that they had pased bills and resolutions which originated in that body, entitled:

S. B. 155. An Act empowering and directing the Treasurer of the Commonwealth of Kentucky to invest funds in his hands belonging to boards, institutions, and agencies not supported in whole or in part by taxation.

Said bill is as follows, viz.:

WHEREAS: There are several boards, institutions and agencies of the Commonwealth supported by private funds, contributions and fees collected in the furtherance of their purposes, and not supported in whole or in part by money raised by taxation, which now or may have to their credits in the Treasury of the Commonwealth surplus funds, arising in the manner stated; and

WHEREAS: It is deemed advisable, as well as patriotic, to invest such surplus funds in War or Victory bonds or other bonds of the United States Government;

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) The Treasurer of Kentucky is hereby empowered to invest surplus funds of any board, institution or agency of the Commonwealth which is not in whole or in part supported or maintained by means of monies raised by taxation, and whose operating funds are accumulated solely by means of contributions, gifts, private funds or fees collected in the operation of its functions, in War or Victory bonds, or other bonds of the United States of America.

(2) Such surplus funds shall not be so invested unless and until the authorized head, or the governing body of such board, institution or agency shall give direction in writing to the Department of Finance that such investment shall be made, and when so given the Department of Finance shall by its warrant direct that such investment be made on behalf of the particular board, agency or institution.

(3) The Treasurer shall be custodian of such bonds as are purchased, to be held under the same duties, restrictions and liabilities as are now imposed by law as to public funds. Provided that such bonds are to be earmarked for the use and benefit of the particular board, agency or institution, and may

be sold or redeemed by the Treasurer, upon the written request of the head or government body of such board, institution, or agency entitled to the funds, the proceeds to be administered, cared for and withdrawn as provided by Section 41.290 Kentucky Revised Statutes, or as may hereafter be provided by law.

S. B. 162. An Act relating to the classification of cities.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The City of Winchester in Clark County is hereby transferred from the fourth class to the third class of cities. H. B. 191 of the 1944 General Assembly is hereby repealed in so far as it conflicts with this Act.

S. Res. 46. A Joint Resolution authorizing N. E. Christian of Logan County to sue the Commonwealth of Kentucky.

Said resolution is as follows, viz.:

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That N. E. Christian of Logan County be, and he is hereby authorized to sue the Commonwealth of Kentucky in the Logan Circuit Court for damages resulting from the destruction of certain real estate, and damage to additional real estate, caused by overflow of water thereon, which is the alleged direct and proximate result of the construction and maintenance of highway fills, embankments, and bridges, all of which were erected by the State of Kentucky. Said suit shall be for a sum not in excess of $1,000.00.

The Attorney General of the Commonwealth may investigate the claim and settle same before or after suit is filed, if he

deems advisable. Any amount recovered in said suit, or by settlement, shall be paid out of the Highway Fund.

No statement in this resolution shall be considered by either the court or jury as an admission upon the part of the Commonwealth, or its Department of Highways, and this resolution shall not be introduced as evidence, or commented upon by counsel in argument to the jury.

S. Res. 48. A Joint Resolution authorizing R. C. Bradley of Simpson County, Kentucky, as surviving partner of Bradley Wholesale Liquor Company, to sue the Commonwealth in the Simpson Circuit Court.

Said resolution is as follows, viz.:

Be it Resolved by the Commonwealth of Kentucky, as follows:

1. That R. C. Bradley of Simpson County, Kentucky be, and he hereby is authorized to sue the Commonwealth of Kentucky in a sum not to exceed $2,610.96, with interest from January 1, 1938 for alleged overpayment of import tax on distilled spirits.

2. The Attorney General of the Commonwealth is authorized to investigate said claim and settle same if, in his discretion, same is just, either before or after the institution of the action herein authorized.

3. In the event a settlement is made and judgment procured, payment shall be made by the Commissioner of Finance and warrant drawn on the State Treasurer, and payable out of the General Fund.

4. This Resolution shall not be read or commented upon before any court or jury, and shall in no way be taken and con-

sidered as an admission of liability by the Commonwealth of Kentucky.

Ordered that said bills and resolutions be printed and referred to the Committee on Rules.

At the instance of the Committee on Rules, the following bills and resolutions were reported, viz.:

S. B. 155. An Act empowering and directing the Treasurer of the Commonwealth of Kentucky to invest funds in his hands.

S. B. 162. An Act relating to the classification of cities.

S. Res. 46. Resolution authorizing N. E. Christian to sue the Commonwealth.

S. Res. 48. Resolution authorizing R. C. Bradley to sue the Commonwealth.

With the expression of opinion that said bills and resolutions ought to pass.

Said bills and resolutions were each and severally read at length the first time and ordered to be placed on the Calendar.

Mr. Quill moved that the House do now adjourn, to meet again on tomorrow at eleven o'clock A. M.

Said motion was agreed to.

And the House adjourned.